

**CHRISTOPHER JOHN BERGER - COUNTER-DESIGNATIONS**

Date of Deposition 7-23-08

11:17-23  
12:9-19  
23:6-8  
23:17-24:1  
25:9-26:17  
28:18-29:5  
32:22-33:12  
56:23-57:13  
57:20-25  
58:10-21  
68:22-69:13  
69:18-22  
69:25-70:6  
80:20-81:1  
81:21-24  
94:10-17

**CHRISTOPHER JOHN BERGER - OBJECTIONS TO DESIGNATIONS**

55:4-7	Rule 403 Confusion of issues and misleading
67:2-23	Foundation; Rule 602, Rule 401, 403 Relevance
68:12-15	Foundation; Rule 602, Rule 401, 403 Relevance
79:4-6	Incomplete question
85:11-23	Line 11, 17 – Calls for speculation
89:25-90:3	Object to form
95:24-96:2	Vague, ambiguous
97:4-11	Vague, ambiguous
98:18-22	Vague, ambiguous
99:3-10	Rule 403 Relevance, confusion of issues
99:11-15	Rule 403 Relevance, confusion of issues or misleading – vague, ambiguous, argumentative

**RICHARD BISHOP, PhD – COUNTERDESIGNATIONS**

Date of Deposition 4/30/09

30:3-8  
43:2-45:10  
62:23-63:10  
92:3-11 Counterdesignations on pages 92-93 subject to ruling on phone survey  
92:20-93:3  
98:8-19  
122:18-23  
134:3-24  
142:2-143:15 Counterdesignations subject to ruling on page 141  
156:11-157:20 Counterdesignations subject to ruling  
159:19-160:1  
160:22-161:8  
164:10-165:10  
167:20-24  
168:20-170:18  
193:6-8  
Correction Page: Corrections to 99:7, 99:9, 162:25, 168:23, 185:9

**RICHARD BISHOP, PhD – OBJECTIONS TO DESIGNATIONS**

18:11-12 Rule 401 – Relevance; Rule 403  
26:6-12 Rule 403 – Confusion of issues or misleading to jury  
26:13-14 Rule 403 – Confusion of issues or misleading to jury  
31:7-17 Calls for legal conclusion  
31:18-22 Calls for legal conclusion  
33:24-34:3 Rule 403 – Confusion of issues or misleading to jury  
35:25-36:3 Rule 403 – Confusion of issues or misleading to jury  
36:4-6 Rule 403 – Confusion of issues or misleading to jury  
36:7-8 Rule 403 – Confusion of issues or misleading to jury  
36:9-11 Rule 403 – Confusion of issues or misleading to jury  
36:12-14 Rule 403 – Confusion of issues or misleading to jury  
36:15-20 Rule 403 – Confusion of issues or misleading to jury  
36:21-23 Rule 403 – Confusion of issues or misleading to jury  
36:24-37:8 Rule 403 – Confusion of issues or misleading to jury; Rule 602 -  
Foundation; objection to form - ambiguous to ask about all visitors of river  
and lake based on recreation study  
37:17-38:14 Objection to form - ambiguous  
39:17-22 Objection to form - mischaracterizes prior testimony  
51:25-52:6 Rule 401 – Relevance; Rule 602 – Foundation  
55:2-5 Rule 403  
55:6-10 Rule 403  
59:8-13 Rule 403 – Confusion of issues; legal issue  
59:14-20 Rule 403 – Confusion of issues; legal issue  
65:11-66:2 Objection to form - calls for speculation

66:3-7	Objection to form - calls for speculation
66:8-15	Objection to form - calls for speculation
66:16-24	Objection to form - calls for speculation
66:25-67:4	Objection to form - calls for speculation
80:24-25	Rule 403 – Confusion of issues, misleading to jury
81:6-10	Rule 403 – Confusion of issues, misleading to jury
81:18-25	Rule 403 – Confusion of issues, misleading to jury
82:3-7	Rule 403 – Confusion of issues, misleading to jury
82:8-11	Rule 403 – Confusion of issues, misleading to jury
82:12-13	Rule 403 – Confusion of issues, misleading to jury
82:14-18	Rule 403 – Confusion of issues, misleading to jury
82:19-83:7	Rule 403 – Confusion of issues, misleading to jury
85:10-14	Rule 403 – Confusion of issues, misleading to jury
87:22-88:12	Rule 403 – Confusion of issues, misleading to jury
88:13-18	Rule 403 – Confusion of issues, misleading to jury
88:19-89:20	Rule 403 – Confusion of issues, misleading to jury
89:21-90:2	Rule 403 – Confusion of issues, misleading to jury
90:3-5	Rule 403 – Confusion of issues, misleading to jury
90:6-10	Rule 403 – Confusion of issues, misleading to jury
90:11-13	Rule 403 – Confusion of issues, misleading to jury
90:14-91:2	Rule 403 – Confusion of issues, misleading to jury
91:3-10	Rule 403 – Confusion of issues, misleading to jury
91:11-12	Rule 403 – Confusion of issues, misleading to jury
91:13-92:2	Rule 403 – Confusion of issues, misleading to jury
94:2-8	Rule 403 – Confusion of issues, misleading to jury
94:9-15	Rule 403 – Confusion of issues, misleading to jury
99:19-100:3	Objection to form - argumentative
100:24-101:2	Rule 401; Rule 403; objection to form - vague and ambiguous
101:3-4	Rule 401; Rule 403; vague and ambiguous
110:25-111:4	Objection to form - asked and answered
111:8-16	Objection to form - asked and answered, argumentative
111:17-112:13	Objection to form - asked and answered, argumentative
113:7-12	Objection to form - asked and answered
113:13-20	Objection to form - asked and answered
114:21-115:2	Objection to form - asked and answered (p. 112)
115:3-9	Objection to form - asked and answered
124:16-125:1	Rule 106; objection to form - vague and ambiguous
132:6-11	Rule 802 – Hearsay
133:9-20	Rule 401 – Relevance; Rule 403 – Confusion of issues; Rule 602 – Foundation; Rule 802 – Hearsay
133:21-24	Rule 401 – Relevance; Rule 403 – Confusion of issues; Rule 602 – Foundation; Rule 802 – Hearsay
133:25-134:2	Rule 401 – Relevance; Rule 403 – Confusion of issues; Rule 602 – Foundation; Rule 802 – Hearsay
141:21-24	Rule 802 – Hearsay; Rule 602 – Foundation
144:2-8	Rule 802 – Hearsay

144:13-23	Rule 602 – Foundation; objection to form - assumes facts not in evidence
144:24-145:1	Rule 602 – Foundation
145:17-21	Rule 403 – Confuses issues, misleading to jury
146:17-20	Rule 802 – Hearsay
146:21-25	Objection to form - assumes facts not in evidence; Rule 602 – Foundation
155:22-25	Rule 403 – Confusion of issues; misleading to jury
156:1-6	Rule 403 – Confusion of issues, misleading to jury; Rule 802 – Hearsay
166:18-21	Objection to form: argumentative
166:22-167:13	Objection to form: argumentative
168:11-19	Objection to form – vague and ambiguous
187:23-188:7	Objection to form – vague and ambiguous; calls for speculation

**JOHN BLAKE COUNTER-DESIGNATIONS**

Date of Deposition 04/03/2009

95:11-14 (If objections to testimony on Pgs. 91-95 are not sustained)  
95:16-20 (If objections to testimony on Pgs. 91-95 are not sustained)  
116:14-17  
117:18-23  
120:7-21

**JOHN BLAKE – OBJECTIONS TO DESIGNATIONS**

91:16-21 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)  
92:3-5 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)  
92:8-10 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)  
92:12-14 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)  
92:17 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)  
92:20 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)  
92:23-93:1 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)  
93:4-5 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)  
93:7-8 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness

- said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)
- 93:11-14 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)
- 93:19-22 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)
- 94:2-4 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)
- 94:7-8 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)
- 94:11-12 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)
- 94:15-16 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)
- 94:19-20 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)
- 94:23-95:1 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)
- 95:4-8 Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a “nutritionist by training” and was not qualified to answer questions such as this one.)
- 100:9-13 Rule 611(c), leading; and no foundation. Rule 602, not within witness’s knowledge
- 109:13-110:3, Rule 402-Relevance; no foundation. Rule 602, witness lacks personal  
110:6-7 knowledge. Rule 701, opinion testimony, witness not qualified to give

**BARRY BOLTON COUNTER-DESIGNATIONS**

Date of Deposition 08/05/2008

128:19-25  
129:1-4  
130:17-22  
190:25  
191:1  
192:6-8  
192:17-25  
193:1  
193:6-18  
193:21-22  
194:22-24  
195:2-12  
198:9-25  
199:1-9  
199:13-25  
200:1-11  
201:4-25  
202:1-14  
203:21-25  
204:1-13  
210:6-25  
211:1-9  
214:12-25  
215:1-12  
222:19-25  
223:1-8  
223:10-14

**BARRY BOLTON – OBJECTIONS TO DESIGNATIONS**

Date of Deposition 08/05/2008

174:6-8	Rule 402-Relevance, lacks probative value, lacks foundation
175:19-20	Rule 402-Relevance, lacks probative value, lacks foundation
176:10-11	Rule 402-Relevance, lacks probative value, lacks foundation
176:23-25, 177-1	Rule 402-Relevance, lacks probative value, lacks foundation
178:1-3	Rule 402-Relevance, lacks probative value, lacks foundation
178:6-7	Rule 402-Relevance, lacks probative value, lacks foundation
179:25, 180:1-2	Rule 402-Relevance, lacks probative value, lacks foundation
180:4-5	Rule 402-Relevance, lacks probative value, lacks foundation

**BARRY BOLTON COUNTER-DESIGNATIONS**

Date of Deposition 10/16/2008

72:9-13  
72:20-25  
187:14-15  
187:18-25  
188:1-25  
189:1-18  
189:22-25  
190:1  
193:24-25  
194:1  
194:5  
203:8-10  
204:11-22  
209:17-25  
210:1-8  
212:3-12  
216:23-25 (start with the words, "I guess" on l.23)  
217:1-25  
218:1-18  
219:5-25  
222:15-25  
223:1-25  
224:1-24 (end with the word "extent")  
225:18-25  
226:1-23  
228:8-12  
228:15-21

**BARRY BOLTON – OBJECTIONS TO DESIGNATIONS**

Date of Deposition 10/16/2008

286:16-22                      Rule 402-Relevance, no probative value, lacks foundation; Rule  
802-hearsay

**DARREN BROWN COUNTER-DESIGNATIONS**

**Date of Deposition: August 26, 2008**

32:19-21  
51:15-23, 25  
52:1-3  
65:19-20, 22-25  
67:6-16  
69:13-20  
70:9-10  
94:8-24  
95:13-24  
97:17-25  
98:1-8  
103:23-25  
104:1, 3-25  
105:1-5, 25  
106:1-8  
108:18-25  
109:1-3  
115:16-20  
116:23-25  
117:1-8, 13-25  
118:20-25  
119:1  
120:5-25  
121:1-2  
122:9-25  
123:1-9  
126:22-25  
127:1-17  
128:9-13, 15-25  
129:1-3  
131:5-13  
139:1-25  
140:1-9  
143:7-25  
144:1-11, 16-25  
145:1-16  
146:17-24  
147:6-20  
148:5-18  
151:25  
152:1-15  
153:17-25  
154:1-8

159:14-24  
 160:22-25  
 161:1-15  
 162:16-24  
 163:12-20  
 166:2-25  
 167:1-7  
 168:1-20  
 171:15-25  
 172:1-7, 25  
 173:1-22  
 174:19-25  
 175:1-3  
 182:14-25  
 183:1-2

**DARREN BROWN – OBJECTIONS TO DESIGNATIONS**

49:2-7	Form – compound
50:21-25	Form – compound, incomprehensible/confusing
51:1-6	Form – compound, incomprehensible/confusing
61:25	Form – vague, incomprehensible
62:1-4	Form – vague, incomprehensible
81:25	Form – assumes facts not in evidence; calls for speculation
82:1-3	Form – assumes facts not in evidence; calls for speculation
82:11-14	Form – assumes facts not in evidence; vague (e.g., “that big nursery”)
85:10-13	Form – assumes facts not in evidence; calls for speculation; Rule 402
87:3-7	Form – assumes facts not in evidence; calls for speculation; Rule 402
88:10-14	Form – assumes facts not in evidence; calls for speculation; Rule 402
88:22-25	Form – calls for speculation; Rule 402; Rule 602
89:20-23	Rule 402
93:16-21	Form – argumentative; vague (“full ... assessment”); Rule 402 or 403
99:21-25	Rule 402
100:1-13	Rule 402
115:21-25	Rule 402 or 403
116:1-9	Rule 402 or 403
128:2-6	Form -- vague, incomprehensible
131:14-17	Form – vague and ambiguous
156:4-21	Form – argumentative
175:11-25	Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected
176:1-25	Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they

accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

177:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

178:1-14 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

179:2-19 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

180:14-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

181:1-22 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

183:3-8 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

184:12-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

185:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

186:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

187:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

190:12-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

191:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

192:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

193:1-5 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling; Rule 901 -- photos taken by Defendants, not clear if they accurately show any of the sample locations; Rule 402 or 403 – photos not relevant as none of them were taken when the samples were collected

221:12-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

222:1-13 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

224:4-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

225:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

226:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

227:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

228:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

229:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

230:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

231:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

232:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

233:1-25 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

234:1-3 Rule 602 – Brown has never seen any of these photos and was not present during edge-of-field sampling

**David Chapman Deposition Counter Designations**

46:-14 - 22  
 50:5-6  
 60:6 - 61:6  
 75:16 - 76:13  
 92:4 - 13  
 129:25 - 126:11  
 134:5 - 10 (with correction to 134:10)  
 170:11-171:7  
 171:15 - 172:25  
 176: 2 - 11  
 201: 19 - 204:1  
 207:21 - 208:18  
 210: 6 - 211:16  
 218:23 - 220:5  
 254:23 - 255:15

**David Chapman Objections to Defendants' Deposition Designations**

20:12-23	401 relevance
24:2-17	401 relevance
28:1- 19	403 confusion of the issues, misleading to jury
32:24-34:8	403 confusion of the issues, misleading to jury; need to add corrections from correction sheet for p. 33.
40:11 – 40:21	403 confusion of the issues, misleading to jury
41:5- 42:6	403 confusion of the issues, misleading to jury
42:25 – 43:4	403 confusion of the issues, misleading to jury
44:13 – 44:21	403 confusion of the issues, misleading to jury
44:25 – 45:4	403 confusion of the issues, misleading to jury
46:21 – 47:13	403 confusion of the issues, misleading to jury
53:13 – 19	403 confusion of the issues, misleading to jury, calls for speculation
58:24- 60:5	403 confusion of the issues, misleading to jury
62:3 – 63:10	403 confusion of the issues, misleading to jury
63:14- 66:9	403 confusion of the issues, misleading to jury, need to include correction to p. 64.
66:17 – 66:23	403 confusion of the issues, misleading to jury
67: 4 – 67:23	403 confusion of the issues, misleading to jury
80:15 – 81:9	403 confusion of the issues, misleading to jury
82: 8 – 83:13 -	403 confusion of the issues, misleading to jury
89:19 – 92:3	403 confusion of the issues, misleading to jury
95:12 – 96:1	403 confusion of the issues, misleading to jury
97:13 – 99:19	403 confusion of the issues, misleading to jury
106: 17 – 107:17	403 confusion of the issues, misleading to jury

134:11 – 17	403 confusion of the issues, misleading to jury, calls for speculation, ambiguous or unintelligible, vague
141: 17 – 142: 20	403 confusion of the issues, misleading to jury, compound question, argumentative, mischaracterizes previous testimony
146:7 – 147: 6	403 confusion of the issues, misleading to jury, compound question, argumentative, calls for speculation
147: 7 – 148:5	403 confusion of the issues, misleading to jury
148: 6 – 19	403 confusion of the issues, misleading to jury, asked and answered, argumentative
148: 20 – 150: 15	403 confusion of the issues, misleading to jury, compound question, ambiguous or unintelligible, calls for speculation, argumentative.
150: 16 – 22	403 confusion of the issues, misleading to jury, misstates previous testimony
191: 3 – 15	403 confusion of the issues, misleading to jury
191:16 – 21	403 confusion of the issues, misleading to jury, mischaracterizes previous testimony, compound question
198: 9 – 13	403 confusion of the issues, misleading to jury, assumes facts not in dispute or not in evidence
198:14 – 20	403 confusion of the issues, misleading to jury, asked and answered, assumes facts in dispute or not in evidence, argumentative.
209:7 – 12	403 confusion of the issues, misleading to jury, assumes facts in dispute or not in evidence
209:18 – 210:5	403 confusion of the issues, misleading to jury, asked and answered, assumes facts in dispute or not in evidence
220:17 – 221:5	403 confusion of the issues, misleading to jury, calls for speculation
226:9 – 229:8	403 confusion of the issues, misleading to jury, 401 relevance
230:15 – 231:25	403 confusion of the issues, misleading to jury
232:10 – 237:11	403 confusion of the issues, misleading to jury
240:18 – 241:11	403 confusion of the issues, misleading to jury, asked and answered, assumes facts in dispute or not in evidence
244:6 – 11	403 confusion of the issues, misleading to jury, vague and ambiguous
244:15 – 23	403 confusion of the issues, misleading to jury, assumes facts in dispute or not in evidence, calls for speculation
252:22 – 253:12	403 confusion of the issues, misleading to jury, assumes facts in dispute or not in evidence

**DOUGLAS CONNOR - COUNTER-DESIGNATIONS**

Date of Deposition 7-24-08

16:22-17:4  
38:25-39:1

**DOUGLAS CONNOR - OBJECTIONS TO DESIGNATIONS**

28:7-14	Rule 403 Confusion of issues; Rule 602 Foundation; Rule 701 Opinion of lay witness without specialized knowledge
32:4-23	Lines 4, 9, 11 13, 19; Rule 401, 403 Relevance
34:19-25	Rule 401, 403 Relevance
35:1-21	Line 1, 4, 10; Rule 401, 403 Relevance
37:12-25	Line 12 – Rule 401 Relevance – no question pending
38:11-39:1	Line 11, 20; Rule 401, 403 Relevance
42:21-22	Rule 401 Relevance – No response designated
43:19-21	Move to strike, not responsive & no question designated
46:17	Line 17; Rule 401, 403 Relevance
52:16-21	Rule 401, 430 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge; Calls for speculation
53:19-22	Rule 403 Relevance, confusion of issues due to limited knowledge of witness; Rule 602 Lack of knowledge, Foundation
54:9-23	Assumes facts not in evidence, vague
55:2-12	Object to form; Vague, Mischaracterized previous testimony
56:2-10	Rule 403 confusion of issues; Rule 602 Lack of Foundation
59:10-25	Lines 10 & 13; Rule 403 relevance, confusion of issues and misleading, no foundation that suit can be filed for alleged violation
61:13-62:1	Line 13, 24 – Rule 401, 403 Relevance; Rule 602 Lack of Knowledge; Rule 701 Opinion of lay witness regarding what is safety investigation, Rule 802 Hearsay where no foundation laid
62:2-5	Line 2 – Rule 401 & 403 Relevance – Confusion of issues, misleading
62:6-10	Line 6 – Rule 403 Relevance – Confusion of issues, misleading
62:11-14	Line 11 – Rule 401, 403, Relevance, Misleading, Rule 602 Foundation, Rule 701 Opinion of law witness without specialized knowledge
64:11-14	Object as to form, as to use of term “Disinfection Byproduct Rule” vague, ambiguous, assumes facts there is such a “Rule”
67:4-7	Objection as to form, vague, ambiguous, Assumes facts that he would know for all time – not just his “tenure”
67:19-68:2	Line 19, 25; Rule 401 Relevance
68:13-18	Line 13; Rule 401 Relevance

70:18-21	Object to form assumes facts as to the “ever” knowledge of this witness
70:22-24	Line 22 – Rule 403 Relevance, confusion and misleading of the issues
71:3-6	Rule 403 Relevance, confusion and misleading of the issues
72:13-25	Line 13, 24 ; Rule 401, 403 relevance, confusion of issues and misleading

**Dennis Cooke, PhD Counter-Designations**  
**12/4/08 Deposition – Vol. I**

Page/Line

14:11-15:2  
19:9-20:9  
20:16-25  
30:16-31:3  
31:10-15  
32:1-13, 22-33:11  
34:2-19, 24-35:22  
39:19-40:1  
40:12-41:8  
42:5-17  
43:6-13  
44:21-45:12  
46:15-47:7  
48:14-22  
49:11-18  
50:1-23  
51:7-16, 19-22  
52:1-6  
56:7-17  
58:12-59:1  
59:7-13  
60:1-20  
61:14-62:1  
62:7-63:6  
63:23-64:3  
65:6-66:11  
66:15-25  
71:10-72:7  
79:1-10  
80:1-4  
81:13-16  
82:1-2, 11-18  
84:22-85:4  
85:21-87:6  
87:9-88:7  
93:1-14  
94:5-6, 21-95:19  
95:25-96:8  
97:1-19  
99:10-100:1  
101:13-102:20  
103:8-104:22

105:12-25  
106:8-9, 19-108:15  
109:2-4  
111:1-112:7, 22-113:4  
113:20-22  
114:3-20, 25-115:4  
115:15-20  
116:2-5  
120:7-22  
121:21-122:25  
123:4-11, 19-22  
124:19-125:1-12  
125:24-126:15  
128:16-19  
129:6-130:12  
130:16-17, 20-131:6  
131:16-24  
135:21-22  
136:3-15, 25-137:3  
137:1-3  
139:16-25  
140:3-12  
141:3-16, 24-142:1  
147:14-19  
149:2-8  
150:2-7, 11-19  
151:5-10  
152:1-24  
153:10-21  
154:11-156:1  
159:17-20  
160:8-10, 16-161:9  
162:1-10, 14-18  
164:10-166:6  
168:11-18  
169:13-18  
170:3-14, 20-171:11  
173:6-17  
174:3-14  
175:4-10, 25-176:2  
176:4-15  
177:7-12, 19-178:11  
178:17-179:24  
181:2-17, 20, 24-182:3  
183:1-2, 10-184:6  
185:13-17, 21-24

186:19-187:1  
187:5-188:3  
188:12, 16-24  
189:4-13, 23-190:6  
190:12-192:15  
192:1-15, 18-21  
193:7-17, 23-194:1  
195:14-196:1  
196:8-22  
197:7-17, 25-198:11  
198:15-19  
199:11-20  
202:13-24  
205:1-3, 5-13, 17-21  
206:8-25  
207:4-18  
209:8-14, 22-25  
210:1-6, 22-25  
211:4-8, 13-20, 25-212:10  
212:16-213:3  
215:7-11  
217:17-24  
218:4, 8-24  
220:16-24  
222:5-14, 18-22  
223:3-8  
226:23-227:6  
227:20-228:17  
228:21-229:4  
229:8-13  
243:13-24  
244:1-11  
245:12-14  
247:24-25  
248:11, 13-15, 17-249:6  
251:13-19  
252:6-253:14  
264:12-265:6  
267:9-268:9  
271:2-272:10  
274:6-22  
275:3-7  
279:21-280:7  
281:12-25  
282:6-24  
283:22-284:13

285:19-22, 25  
286:12-25  
293:7-17, 25-294:18  
296:3-297:1  
297:17-24  
298:2-9  
299:9-300:2  
308:15-310:1

**Dennis Cooke, PhD – Objections to Designations – Vol. I**

51:21 &23 – Rule 403 – Ambiguous  
82:6-11 – Rules 401, 402 and 403 – Relevance; Rule 601 General Rule of Competency  
113:13-114:2 – Rules 401, 402 and 403 – Relevance  
114:21-23 – Rules 401, 402 and 403 – Relevance  
117:8-118:15 – Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge  
128:5-19 – Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge  
140:15-144:8 – Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge  
146:5-22 – Rule 401 and 402 – Relevance  
147:24-149:10 – Rule 401 and 402 – Relevance  
179:25-181:1 - Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge  
245:11 -247:14 - Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge  
255:13-22 - Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge;  
Rule 403 Relevance  
294:19-295:9 - Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge

**Dennis Cooke, PhD Counter-Designations**  
**12/5/08 Deposition – Vol. II**

Page/Line

318:2-319:1  
319:6-12, 16-23  
320:3-11, 15-321:15  
324:16-327:19  
328:3-4, 10-329:16  
329:22-330:5  
331:14-25  
333:4-16, 20-334:16  
335:1-10  
336:19-20, 22-337:12  
337:17-338:20  
339:8-15m 19-340:5  
340:10-12  
341:25-342:8  
342:11-343:5  
346:1-347:8  
347:16-18, 23-348:13  
349:4-10  
350:4-22  
352:22-353:6  
353:13-23  
356:3-18  
358:6-21, 24-359:1  
360:2-20  
362:6-14, 17-25  
363:8-13, 17-365:8  
366:15-20, 25-367:9  
367:11-19, 21-368:5  
368:13-23, 25-369:22  
370:13-371:8, 25  
372:1-10, 18-373:9  
374:15-375:12  
380:15-21  
382:12-25  
385:21-387:5  
388:16-389:9  
389:23-390:15  
391:9-17  
392:1-10, 15-23  
394:16-395:3  
397:15-398:4  
399:10-9

400:5-7  
401:12-402:11  
402:19-22, 24-403:14  
403:21-24  
404:5-8  
406:24-407:17  
410:19-22, 25-411:4  
414:15-415:10  
416:4-14, 23-417:18  
418:4-420:18  
421:4-9, 16-423:12  
423:20-424:12  
424:14-425:3  
425:9-426:2  
426:13-16, 18-23  
430:6-431:9  
432:1-433:7  
435:1-436:9  
436:14-24  
437:1-11  
438:3-10  
439:1-2, 6-440:2  
440:15-441:17  
443:13-20, 22-444:3  
444:15-445:1  
445:9-11, 13-21, 25-446:4  
454:6-24  
456:12-457:4  
458:21-24  
459:1-3  
460:16-22  
461:1-11  
469:18-25  
473:16-474:4  
476:1-9, 19-21, 23-24  
461:24-482:10  
482:17-19, 21-25  
483:25-484:4  
484:5, 8-485:1  
486:15-488:18  
492:14-17, 19-20  
494:9-12, 15-17, 19-24  
497:5-499:8  
499:19-500:10  
501:4-11  
503:2-15, 19-504:24

514:1-13  
515:1-2, 23-519:10  
520:11-521:16  
521:20-523:7  
525:3-8, 10-20  
528:5-12, 19-22, 24  
529:1-4  
533:18-534:2  
534:7-535:17  
536:12-10, 15-17, 21-538:17  
541:2-13, 24-542:4  
542:6-8, 25:544:14  
544:21-545:10  
546:8-548:9  
549:13-551:13  
553:25-554:24  
555:3-9, 19-25  
556:2, 4-557:6  
557:19  
558:5-9  
559:14-18, 20-560:1  
561:17-22  
562:3-5  
565:20-566:1-5  
566:8, 11-13, 15-568:5  
568:7

**Dennis Cooke, PhD – Objections to Designations – Vol. II**

338:21-25 – Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge  
339:2-4, 13-14, 16-17, 19-22 - Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge  
340:2,4 - Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge  
  
340:6-9, 13-15, 16-21 - Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge  
366:3-6, 11-12 – Rules 401, 402 and 403 – Relevancy  
368:6-10 – Rules 401, 402 and 403 – Relevancy; Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge  
371:9-12, 14-19, 24 - Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge  
442:21-25 – Rule 403 – Relevancy; Rule 602 Lack of personal knowledge  
443:4-7, 10-11 - Rule 403 – Relevancy; Rule 602 Lack of personal knowledge  
468:10-13, 15-17 - Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge

469:8-12, 14-16, 18-20 Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge

492:1-3,5-8 – Rule 403 – Relevancy; Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge

509:1-3, 6-7 - Rule 601 – General Rule of Competency; Rule 602 Lack of personal knowledge

**JON CRAIG COUNTER-DESIGNATIONS**

**Date of Deposition: April 2, 2009**

19:11-25  
20:1-2, 7-11, 16-25  
21:1  
27:13-15, 17-18  
33:12-24  
34:15-17, 19-24  
35:6-13  
36:25  
37:1-3, 5-10  
39:17-21  
41:15-25  
42:1-15  
46:11-22, 24-25  
47:1-2, 4  
49:8-10  
52:14-25  
57:13-16  
63:12-18  
85:12-16  
90:2-24  
91:16-18  
96:12-25  
98:11-13  
103:9-17  
105:6-8  
111:1-2  
114:8-25  
115:1  
128:4-8  
133:10-25  
134:1-10  
144:19-25  
145:1-25  
146:1-10  
152:23-25  
153:1-11  
163:12-25  
164:1-25  
165:1-12, 14-19, 21-25  
166:1-7

**JON CRAIG – OBJECTIONS TO DESIGNATIONS**

16:16-18 Rule 403

24:23	Calls for a legal conclusion
29:7-8	Rule 602
33:1-5	Rule 602 -- misstates previous testimony
62:1-8	Rule 602 -- witness is speculating
62:9-13	Rule 602 -- witness is speculating
62:24-25	Assumes facts not in evidence
63:1-3	Assumes facts not in evidence
83:8-11	Rule 602; Rule 901
84:9-25	Object to this entire line of questioning as it involves an exhibit which Mr. Craig has never seen (Rules 602 and 901); also object as to relevancy (Rule 402); object on hearsay grounds with respect to the statements of Ms. Jayroe and Mr. Coleman
85:1-11	Object to this entire line of questioning as it involves an exhibit which Mr. Craig has never seen (Rules 602 and 901); also object as to relevancy (Rule 402); object on hearsay grounds with respect to the statements of Ms. Jayroe and Mr. Coleman
89:6-11	Calls for speculation; Rule 402; Rule 602 (have not established that Mr. Craig has personal knowledge.
92:14-25	Object to the entire line of questioning about sources of nutrients as there is no foundation that Mr. Craig has any personal knowledge as to sources of nutrients in the IRW; also object as these questions call for speculation.
94:24-25	Rule 602 (no foundation laid that Mr. Craig has any personal knowledge as to P settling in sediments); calls for speculation.
95:1-7	Rule 602 (no foundation laid that Mr. Craig has any personal knowledge as to P settling in sediments); calls for speculation.
95:17-25	Rule 602 (no foundation laid that Mr. Craig has any personal knowledge as to P settling in sediments); calls for speculation.
96:1-11	Rule 602; testimony establishes that Mr. Craig lacks personal knowledge; or basis to give opinion testimony (Rule 701)
100:11-15	Leading, calls for speculation; assumes facts not in evidence; lacks foundation (Rule 602)
100:16-20	Leading, calls for speculation; assumes facts not in evidence; lacks foundation (Rule 602)
100:25	Rule 602 – no foundation
101:1-3	Rule 602 – no foundation. [101:4-12 provides additional support]
101:24-25	Rule 602 – no foundation for any basis of this knowledge; Rule 402 – without evidence of quantification, no relevance.
102:1-6	Rule 602 – no foundation for any basis of this knowledge; Rule 402 – without evidence of quantification, no relevance.
103:23-25	Rule 602 – no foundation for any basis of knowledge; Rule 702 – no foundation for any opinion testimony; calls for speculation
104:1-8	Rule 602 – no foundation for any basis of knowledge; Rule 702 – no foundation for any opinion testimony; calls for speculation
108:8-21	Rule 402 -- This entire line of questioning is irrelevant; that is, whether Mr. Craig knows why the AG did or did not take certain actions in this litigation is immaterial; also calls for speculation as to AG's motives.

- 109:5-19 Rule 402 -- This entire line of questioning is irrelevant; that is, whether Mr. Craig knows why the AG did or did not take certain actions in this litigation is immaterial; also calls for speculation as to AG's motives.
- 109:20-25 Relevance (Rule 402); Rule 403; not material whether Mr. Craig was "surprised" – as Mr. Craig explains, he is not familiar with CERCLA
- 110:1-17 Relevance (Rule 402); Rule 403; not material whether Mr. Craig was "surprised" – as Mr. Craig explains, he is not familiar with CERCLA. [110:18-25 provides additional support]
- 112:3-21 Object to this entire line of questioning on relevancy grounds or 403 grounds as DEQ does not regulate land application of poultry waste.
- 113:1-5 Object to this entire line of questioning on relevancy grounds or 403 grounds as DEQ does not regulate land application of poultry waste.
- 113:11-15 Assumes a fact not in evidence; Rule 402 (relevance)
- 113:16-20 Rule 602 (no foundation for any basis of knowledge); Rule 701 (no foundation for any basis for opinion)
- 113:24-25 Rule 602 (no foundation for any basis of knowledge); Rule 701 (no foundation for any basis for opinion)
- 114:1-7 Rule 602 (no foundation for any basis of knowledge); Rule 701 (no foundation for any basis for opinion)
- 115:8-13 Rule 402 or Rule 403 (DEQ does not regulate the land application of poultry waste, so Mr. Craig would have no reason to know)
- 116:4-9 Assumes facts not in evidence; asked and answered; Rule 402 or 403.
- 126:14-25 Rule 402 or 403 – with no evidence of quantification, any evidence regarding Watts is immaterial.
- 127:1-8 Rule 402 or 403 – with no evidence of quantification, any evidence regarding Watts is immaterial. [127:9-24 provides additional support]
- 129:13-25 Object to this entire line of questioning about "gravel mining" on relevancy grounds (Rule 402 or 403) – gravel mining is not probative with respect to any of the issues in this case.
- 130:1-25 Object to this entire line of questioning about "gravel mining" on relevancy grounds (Rule 402 or 403) – gravel mining is not probative with respect to any of the issues in this case; plus, there is no evidence which quantifies the alleged environmental impact of gravel mining to show that it is anything beyond a *de minimis* source.
- 131:1-25 Object to this entire line of questioning about "gravel mining" on relevancy grounds (Rule 402 or 403) – gravel mining is not probative with respect to any of the issues in this case; plus, there is no evidence which quantifies the alleged environmental impact of gravel mining to show that it is anything beyond a *de minimis* source.
- 132:1-2 Object to this entire line of questioning about "gravel mining" on relevancy grounds (Rule 402 or 403) – gravel mining is not probative with respect to any of the issues in this case; plus, there is no evidence which quantifies the alleged environmental impact of gravel mining to show that it is anything beyond a *de minimis* source.
- 142:1-22 Object to entire line of questioning about Southwest City, Missouri, as wholly irrelevant (Rule 402 or Rule 403); specifically object to question and testimony as

to Simmons being a “good partner” as irrelevant and improper character evidence  
(Rule 404)

154:6-10

Rule 402

**JAMES (MICHAEL) CRUTCHER COUNTER-DESIGNATIONS**

**Date of Deposition: December 20, 2007**

8:18-23  
31:4-25  
32:1-10, 16-21  
33:3-25  
34:1  
35:21-25  
36:1-17  
38:2-4  
40:1-11  
47:7-19  
53:9-10  
55:15-22  
57:24  
61:10-22  
74:18-25  
75:1-12, 17-25  
76:1-3  
77:11-14  
80:19-25  
81:1-24  
87:13-25  
88:1-12, 21-25  
89:1-2  
105:16-25  
106:1-15  
109:23-25  
110:1-9  
116:21-25  
117:1-6, 8-9  
123:8-24

**CRUTCHER – OBJECTIONS TO DESIGNATIONS**

38:5-25	Rule 602 (no foundation as to factual knowledge); Rule 701 (no foundation for opinion testimony); witness is speculating: “I would think so ...”
39:18-20	Relevance (Rule 402 or 403); Rule 602 (no foundation for factual knowledge); Rule 701 (no basis established for opinion)
56:12-18	Form – argumentative [56:15-18 provides additional support]
59:6-24	Form (compound question); calls for opinion testimony without foundation of basis for opinion / inadequate basis for opinion / improper solicitation of opinion from nonretained expert (Rule 701); Rule 1006 (summary where it is unclear what the supporting evidence is) [59:23-24 provides additional support]

60:2-25 Form (compound question); calls for opinion testimony without foundation of basis for opinion / inadequate basis for opinion / improper solicitation of opinion from nonretained expert (Rule 701); Rule 1006 (summary where it is unclear what the supporting evidence is) [60:22 provides additional support]

61:1-9 Form (compound question); calls for opinion testimony without foundation of basis for opinion / inadequate basis for opinion / improper solicitation of opinion from nonretained expert (Rule 701); Rule 1006 (summary where it is unclear what the supporting evidence is)

61:23-25 Form (compound question); calls for opinion testimony without foundation of basis for opinion / inadequate basis for opinion / improper solicitation of opinion from nonretained expert (Rule 701);

62:1-17 Form (compound question); calls for opinion testimony without foundation of basis for opinion / inadequate basis for opinion / improper solicitation of opinion from nonretained expert (Rule 701) [62:12 provides additional support]

73:1-12 Rule 402 (relevance) [73:6-8 provides additional support]

123:25 Rule 402 (condition of other waterways -- outside the IRW -- is irrelevant)

124:1-14 Rule 402 (condition of other waterways -- outside the IRW -- is irrelevant)

**Mark Derichsweiler Counter-Designations**  
6/06/08 Deposition

11:1-13:7  
32:11-33:22  
35:7-13  
36:22-37:9  
37:19-38:24  
39:12-40:1  
40:13-41:9  
43:12-23  
45:22-46:10  
50:5-18  
52:17-53:6  
53:13-54-6  
54:15-55:1  
55:6-14  
57:24-59:1  
59:25-60:15  
61:18-64:11  
89:15-22  
90:15-20  
93:7-94:19  
101:10-17  
108:16-110:23  
122:4-123:2,11-13  
130:10-132:9  
133:5-23  
134:15-19  
135:12-13  
137:12-22  
139:9-12  
139:23-140:4  
157:21-24  
165:6-16  
166:16-21  
167:14-168:12  
182:11-21  
192:2-11  
193:9-15  
194:1-7  
197:14-198:7  
205:19-24  
207:14-19  
215:12-20  
217:15-218:8

226:16-22  
234:8-235:23  
242:8-16  
263:17-264:5  
279:9-280:3  
282:13-19  
287:25-288:4  
288:7-288:22  
288:25

**Mark Derichsweiler – Objections to Designations**

70:18-23 – Rule 401 Relevance; Calls for a Legal Conclusion

91:5-15 – Rule 403 Confusion of the issues and misleading to the jury; Calls for a legal conclusion

92:17-93:6 – Rule 403 Confusion of the issues and misleading to the jury; Calls for a legal conclusion

100:18-25 – Rule 403 Confusion of the issues and misleading to the jury; Calls for a legal conclusion

107:21-108:9 – Rule 401 Relevance, Rule 403 Confusion of the issues and misleading to the jury

133:24-134:5 - Rule 403 Confusion of the issues and misleading to the jury; Vague and ambiguous

156:15-21 – Mischaracterizes previous testimony; ambiguous and unintelligible.

181:8-12 – Rule 401 Relevance; Calls for a legal conclusion

213:17-25 – Rule 401 Relevance; Confusion of the issues and misleading to the jury

218:9-12 – Rule 403 Confusion of the issues, misleading the jury; Mischaracterizes previous testimony; Assumes facts in dispute or not in evidence; Vague

229:24-230:3 – Rule 403 Confusion of the issues, misleading the jury; Vague and Ambiguous

242:3-7 – Rule 401 Relevance; Rule 403 Confusion of the issues and misleading to the jury

243:8-12 – Rule 403 Confusion of the issues and misleading to the jury

260:12-22 – Rule 402 Confusion of the issues and misleading to the jury; Mischaracterizes previous testimony; Ambiguous

265:12-266:1 – Rule 401 Relevance; Rule 403 Unfair Prejudice; Rule 503 Attorney-Client Privilege; Rule 802 Hearsay

266:21-267:2 – Rule 401 Relevance; Rule 403 Unfair Prejudice; Rule 503 Attorney-Client Privilege; Rule 802 Hearsay

267:5-11 – Rule 401 Relevance; Rule 403 Unfair Prejudice; Rule 503 Attorney-Client Privilege; Rule 802 Hearsay

268:9-17 - Rule 401 Relevance; Rule 403 Unfair Prejudice; Rule 503 Attorney-Client Privilege; Rule 802 Hearsay

270:16-23 – Rule 401 Relevance; Rule 403 Unfair Prejudice; Rule 503 Attorney-Client Privilege; Rule 802 Hearsay

275:8-277:4 – Rule 401 Relevance, Rule 403 Confusion of the issues and misleading to the jury; Calls for a Legal Conclusion; Mischaracterizes previous testimony

278:7-14 – Outside the scope of the 30(b)(6) Notice; Rule 602 Lack of personal knowledge

278:17-279:8 – Rule 401 Relevance; Vague and ambiguous; Rule 403 Confusion of the issues and misleading to the jury; Mischaracterizes previous testimony

**Mark Derichsweiler Counter-Designations**

5/23/08 Deposition

33:14-38:21  
39:25-40:7  
62:18-63:16  
67:3-21  
86:15-87:2  
102:10-103:15  
105:20-106:6  
128:15-19  
130: 16-131:5  
134:6-13  
145:8-19  
150:16-23  
158:11-18  
160:21-161:17  
175:23-179:6  
180:8-13  
188:1-189:13  
191:3-8  
195:15-19  
198:6-199:4  
200:19-202:2  
203:3-15  
204:14-205-2

**Mark Derichsweiler – Objections to Designations**

62:14-17 – Rule 403 – Confusion of the Issues and Misleading Jury, Vague and Ambiguous

66:21-67:2 Rule 403 – Confusion of the Issues and Misleading Jury, Vague and Ambiguous

69:8-23 Rule 901 - Authentication; Rule 401 Relevance

70:2-24 Rule 901 - Authentication; Rule 401 Relevance; Rule 602 Lack of personal knowledge

71:5-20 Rule 901 - Authentication; Rule 401 Relevance; Rule 602 Lack of personal knowledge

77:5-10 Rule 403 - Confusion of the issues or misleading jury; Vague and Ambiguous

103:16-25 - Rule 401 Relevance

104: 1-105:19 – Rule 401 Relevance; Rule 602 Lack of personal knowledge; Calls for a legal conclusion; Rule 901 Authentication, Outside the scope of the 30(b)(6) Notice

106:7-21 – Rule 401 Relevance; Rule 602 Lack of personal knowledge; Calls for a legal conclusion and speculation; Rule 901 Authentication, Outside the scope of the 30(b)(6) Notice

109:5-14 – Rule 401 Relevance; Mischaracterizes Exhibit

109:23-110:24 – Rule 401 Relevance

111:13-20 – Rule 401 Relevance

112:5-113:12 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice

113:24-114:11 - Outside the scope of the 30(b)(6) Notice

115:9-12 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice

116:2-14 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice

123:8-124:9 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice

126:7-15: Rule 401 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice; Calls for speculation

128:20-129:11 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice

130:8-15 – Rule 401 Relevance

131:7- 133:25 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice

134:16-136:4 - Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice

145:20-148:17 - Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice; Rule 602 Lack of personal knowledge

149:19-150:15 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice; Rule 602 Lack of personal knowledge; Calls for speculation

150:24-153:2 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice; Rule 602 Lack of personal knowledge

153:4 – Rule 401 Relevance

157:18-158:4 - Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice

161:18-163:20 – Rule 401 Relevance

164:22-165:23 – Rule 401 Relevance

166:2-167:11- Rule 401 Relevance

168:16-169:22 – Rule 401 Relevance

169:24-171:23 – Rule 401 Relevance, Outside the scope of the 30(b)(6) Notice; Rule 602 Lack of personal knowledge; Rule 901 Lack of Foundation

172:8-175:2 - Rule 401 Relevance, Outside the scope of the 30(b)(6) Notice

180:14-181-9 – Rule 401 Relevance

182:7-183:2 – Rule 401 Relevance, Outside the scope of the 30(b)(6) Notice

183:4-185:7 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice; Rule 602 Lack of personal knowledge; Rule 901 Lack of Foundation

185:26-187:14 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice; Rule 602 Lack of personal knowledge; Rule 901 Lack of Foundation

189:14-190:3 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice

192:25-193:18 – Rule 401 Relevance; Outside the scope of the 30(b)(6) Notice

**PLAINTIFF'S COUNTER-DESIGNATIONS and OBJECTIONS FOR DEPOSITION OF  
SANCHO DICKINSON – AUGUST 7, 2008**

**Counter-designations**

8:12-9:9  
9:21-23  
10:13-16  
10:20-11:19  
40:20-41:4  
103:2-7  
104:14-17  
129:13-22  
132:19-133:24

**Objections**

27:8-28:22 – Relevance - FRE 401-403  
29:6-16 – Relevance – FRE 401-403  
32:15-34:17 – Beyond the scope of the 30(b)(6) notice; Relevance – FRE 401-403  
38:1-24 – Relevance – FRE 401-403  
41:19-21 – Mischaracterizes testimony/evidence; Calls for legal conclusion  
43:12-24 – Beyond the scope of the 30(b)(6) notice; Relevance – FRE 401-403  
49:24-50:3 – Relevance – FRE 401-403  
52:17-53:15 – Relevance – FRE 401-403; Lack of foundation  
61:16-62:11 – Lack of foundation  
62:12-17 – Relevance – FRE 401-403  
63:1-5 – Lack of foundation  
63:6-64:19 – Relevance – FRE 401-403  
64:21-66:20 – Beyond the scope of the 30(b)(6) notice; Relevance – FRE 401-403  
71:4-19 – Beyond the scope of the 30(b)(6) notice  
72:7-12 – Beyond the scope of the 30(b)(6) notice  
116:1-17 – Relevance – FRE 401-403; Assumes facts; Hypothetical  
116:18-117:12 – Beyond the scope of the 30(b)(6) notice  
128:6-22 – Relevance – FRE 401-403

**ED FITE - COUNTER-DESIGNATIONS**

Date of Deposition 4-6-09

27:24-28:2  
29:17-30:3  
170:14-171:2

**ED FITE - OBJECTIONS TO DESIGNATIONS**

5:8-11	Line 8, 10; Rule; 401, 403 Relevance
33:6-11	Rule 401, Relevance, Rule 602 Lack of knowledge, Foundation
35:11-36:13	Rule 401, 403 Relevance
45:13-19	Rule 401, 403 Relevance
45:20-25	Rule 401, 403 Relevance
52:4-25	Lines 4, 16, 20 & 23 Rule 401, 403 Relevance
53:13-17	Rule 401, 403 Relevance
55:18-24	Rule 401 Relevance
56:11-15	Lines 11, 13, 20, 25; Rule 401, 403 Relevance
57:3-25	Lines 3, 9, 11, 13, 15, 18, 20, 24; Rule 401, 403 Relevance
58:2-12	Lines 2, 5, 8; Rule 401, 403 Relevance
61:3-7	Lines 3 & 6; Rule 602 Foundation
68:19-21	Line 19; Rule 401, 403 Relevance
69:3-70:3	Lines 3, 11, 16, 24; Rule 401, 403 Relevance
70:4-25	Lines 4, 6, 11, 15, 22 & 24; Rule 401, 403 Relevance
71:1-8	Lines 1, 4, 7; Rule 401, 403 Relevance
76:7-20	Lines 7, 15, 19; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge
80:25-81:2	Rule 401, 403 Relevance; Rule 701 Lay opinion without specialized knowledge
81:3-25	Lines 3, 9, 19; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge – Object to form: Assumes facts not in evidence, calls for speculation, vague
82:1-7	Lines 1, 4; Rule 401, 403 Relevance; Rule 602, Foundation; Rule 701 Lay opinion without specialized knowledge – Object to Form: Assumes facts not in evidence, calls for speculation; vague
83:10-17	Lines 10, 12, 15; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge
83:22-84:1	Line 22; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge – Object to form: Assumes facts not in evidence, Calls for speculation, Vague
84:2-85:1	Line 4, 11, 24; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge – Object to form: Assumes facts not in evidence, Calls for speculation, Vague

85:2-86:2	Line 4, 12, 23; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge – Object to form: Assumes facts not in evidence, calls for speculation, vague
86:3-87:2	Lines 5, 12, 18; Line 4, 12, 23; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge – Object to form: Assumes facts not in evidence, calls for speculation, vague
87:3-88:1	Lines 3, 6, 8, 21; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge
88:9-89:4	Lines 9, 23; Rule 401, 403 Relevance; Rule 602 Foundation (line 23); Rule 701 Lay opinion without specialized knowledge
89:5-11	Object to form “poultry industry” and “regulated” – vague, overly broad, ambiguous
89:12-25	Line 12, 22 Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge – Object to form: Assumes facts not in evidence, calls for speculation, vague, ignores knowledge to be acquired
90:2-6	Line 2; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge – Object to form: Assumes facts not in evidence, calls for speculation, vague; ignores knowledge to be acquired
91:5-12	Lines 5, 7; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge
101:7-19	Lines 7, 17; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge, calls for speculation
110:22-111:7	Rule 401 Relevance; - Object to form as to “satisfied”, assumes facts not I in evidence; vague
113:21-114:14	Line 22; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge; Calls for speculation
114:17-115:1	Line 17, 22; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge, calls for speculation – Object to form: Assumes facts, speculation, vague, ambiguous
115:2-3	Line 2, Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge, calls for speculation
117:21-118:6	Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge; calls for speculation
129:1-2	Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge, calls for speculation
132:8-17	Line 8, 14; Rule 401, 403 Relevance; Line 8, Rule 602, Lack of Knowledge, foundation
137:7-21	Line 7, 12, 16, 19; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge; Calls for speculation
138:14-22	Line 14, 17, 20; Rule 401, 403 Relevance
139:6-140:2	Line 6, 11, 15, 17, 20, 23, 25; Rule 401, 403 Relevance
140:3-22	Line 3, 5, 9, 12, 15, 22; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge, calls for

	speculation; Object to Form-Assumes facts, Speculation, Vague, Ambiguous, Argumentative
144:5-22	Line 5, 8; Rule 401, 403 Relevance as to “surprise” and “concern”
153:7-17	Line 7, 12; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge, calls for speculation
164:8-12	Line 8; Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge; Calls for speculation
169:8-170:9	Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge; Calls for speculation
170:10-13	Line 10 - Rule 401, 403 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge, Calls for speculation

**ALAN FORD COUNTER-DESIGNATIONS**  
**Date of Deposition 06/30/08**

18:7-13  
21:9-17  
32:12-21  
36:5-7  
37:2-15  
38:1-8, 20-22  
39:14-15, 19-25  
40:1-2  
48:20-22  
53:5-16  
54:2-25  
55:1  
56:11-25  
57:1-19  
63:6-16  
69:4-25  
70:1  
76:20-23  
77:4-7  
86:24-25  
87:1-25  
88:1-13, 20-25  
89:1-25  
90:4-7, 18-25  
91:1-4, 18-25  
92:1-4, 12-17, 25  
93:1-5  
95:7-17  
96:6-13, 22-25  
98:6-7, 19-25  
99:1-11, 20-25  
100:20-25  
101:1-9, 25  
102:1-7, 12-25  
103:1-7, 11-20, 23-25  
104:1, 5-20  
105:3-25  
106:5-13  
118:11-24  
119:8-12  
126:3-15  
131:5-19  
144:25

145:1-23  
 146:20-25  
 147:1-25  
 148:1  
 155:11-17  
 163:23-25  
 164:1-2  
 185:7-24  
 197:3-6  
 238:16-18  
 243:8-12

**ALAN FORD – OBJECTIONS TO DESIGNATIONS**

9:15, 19, 21	Rules 401, 402 Relevance
18:21, 25	Rules 401, 402, 403 Relevance
19:5, 11, 14, 17	Rules 401, 402, 403 Relevance
21:22	Rules 401, 403 Relevance
22:1, 12, 16, 20, 24	Rules 401, 403 Relevance
23:11, 14, 17, 20, 23	Rule 401 Relevance
24:3	Rule 401 Relevance
24:19, 22, 24	Rules 401, 402, 403 Relevance
25:6, 9, 13, 15, 18, 20, 23	Rules 401, 402, 403 Relevance
26:4, 7, 9, 13, 15, 20, 22	Rules 401, 402, 403 Relevance
27:2, 4, 10, 16, 19, 24	Rules 401, 402, 403 Relevance
28:3, 8, 18, 20, 23	Rules 401, 402, 403 Relevance
29:5, 8, 11	Rules 401, 402, 403 Relevance
29:18, 23, 25	Rules 401, 402 Relevance
30:20	Rules 401, 402 Relevance
31:4, 15, 25	Rules 401, 402 Relevance
33:20	Rules 401, 402, 403 Relevance
34:1	Rules 401, 402, 403 Relevance
40:3, 6, 10, 13, 17, 20, 24	Rules 401, 402, 403 Relevance
41:2, 4, 6, 11, 13, 15, 18, 21, 25	Rules 401, 402, 403 Relevance
42:3, 5, 8, 12, 16, 18, 23, 25	Rules 401, 402, 403 Relevance
43:9, 12, 15, 19, 22, 24	Rules 401, 402, 403 Relevance
44:2, 5, 8, 15, 18, 21, 23	Rules 401, 402, 403 Relevance
45:3, 5, 7, 9, 12, 14, 16, 18, 23	Rules 401, 402, 403 Relevance
46:1, 3, 6, 9, 11, 13, 17, 20, 22, 25	Rules 401, 402, 403 Relevance
47:5, 8, 10, 16, 19, 23, 25	Rules 401, 402, 403 Relevance
48:2, 6, 9, 12, 15	Rules 401, 402, 403 Relevance
51:11, 17, 19, 21, 23	Rules 401, 402, 403 Relevance
52:1, 3	Rules 401, 402, 403 Relevance
55:2, 8, 12, 16, 21, 23, 25	Rules 401, 402, 403 Relevance
57:20, 25	Rules 401, 402, 403 Relevance
58:2, 4, 6, 9, 12, 15, 18, 22	Rules 401, 402, 403 Relevance

59:1, 3, 6, 9, 11, 13, 16, 18, 22	Rules 401, 402, 403 Relevance
60:4, 6, 8, 10, 13	Rules 401, 402, 403 Relevance
66:11, 13, 16, 20, 24	Rules 401, 402, 403 Relevance
67:4, 7, 14, 17, 20, 23	Rules 401, 402, 403 Relevance
68:1, 6, 8, 11, 17, 22	Rules 401, 402, 403 Relevance
69:1	Rules 401, 402, 403 Relevance
70:2, 4, 7, 9, 14, 16, 18, 20, 22	Rules 401, 402, 403 Relevance
71:2, 5, 8, 11, 13, 16, 18, 21, 24	Rules 401, 402, 403 Relevance
72:3, 6, 9, 12, 15, 19, 21, 24	Rules 401, 402, 403 Relevance
73:2, 4, 10, 13, 16, 18, 20, 22	Rules 401, 402, 403 Relevance
79:8, 13, 17, 21	Rules 401, 402, 403 Relevance
80:1, 4, 6, 11, 13, 17, 19, 21, 25	Rules 401, 402, 403 Relevance
81:5, 10, 13, 16, 20, 24	Rules 401, 402, 403 Relevance
82:1, 3, 7, 12, 15, 19, 24	Rules 401, 402, 403 Relevance
83:3, 7, 10, 13, 18, 22, 25	Rules 401, 402, 403 Relevance
84:3, 24	Rules 401, 402, 403 Relevance
85:5, 8, 11, 15, 18	Rules 401, 402, 403 Relevance
86:5	Rules 401, 402, 403 Relevance
94:2, 7, 10, 14, 16, 19, 21, 24	Rules 401, 402, 403 Relevance
95:2	Rules 401, 402, 403 Relevance
107:???	Rules 401, 402, 403 Relevance
109:23	Rules 401, 402, 403 Relevance
110:4, 7, 18, 20, 22	Rules 401, 402, 403 Relevance
112:7, 17, 21, 24	Rules 401, 402, 403 Relevance
113:2, 5, 8, 14, 18, 20, 23	Rules 401, 402, 403 Relevance
114:1, 3, 6, 8, 12, 16, 18, 21, 23	Rules 401, 402, 403 Relevance
115:2, 5, 8, 13, 17, 20, 22, 24	Rules 401, 402, 403 Relevance
116:1, 3, 6, 8, 12, 14, 17, 21	Rules 401, 402, 403 Relevance
117:1, 4, 7, 11, 14, 17, 19	Rules 401, 402, 403 Relevance
121:1, 4, 11	Rules 401, 402, 403 Relevance
123:14, 17, 20, 24	Rules 401, 402, 403 Relevance
124:1, 5, 9, 12, 14, 17, 20, 23	Rules 401, 402, 403 Relevance
125:1, 5, 8, 10, 12, 15	Rules 401, 402, 403 Relevance
127:9, 15, 19, 21, 25	Rules 401, 402, 403 Relevance
128:2, 8, 11, 13, 15, 18, 22, 25	Rules 401, 402, 403 Relevance
129:4, 9, 15, 19, 22, 25	Rules 401, 402, 403 Relevance
130:2, 5, 8, 11, 14, 16, 20, 22	Rules 401, 402, 403 Relevance
132:18, 24	Rules 401, 402, 403 Relevance
133:3, 6, 9, 11, 18, 20, 24	Rules 401, 402, 403 Relevance
134:6, 8, 10, 14, 16, 20, 24	Rules 401, 402, 403 Relevance
135:2, 5, 8, 11, 14, 18, 21	Rules 401, 402, 403 Relevance
136:1, 4, 7, 10, 14, 18, 21, 24	Rules 401, 402, 403 Relevance
137:2, 5	Rules 401, 402, 403 Relevance
138:20, 24	Rules 401, 402, 403 Relevance
139:2, 4, 8, 12, 15, 17, 21, 23	Rules 401, 402, 403 Relevance
140:4, 8, 11, 18, 21, 24	Rules 401, 402, 403 Relevance

141:2, 5, 8, 11, 13, 15, 17, 22	Rules 401, 402, 403 Relevance
142:1, 3, 6, 10, 12, 15, 17, 19, 22	Rules 401, 402, 403 Relevance
151:17, 20, 22	Rules 401, 402, 403 Relevance
152:2, 5, 14, 17, 20, 23	Rules 401, 402, 403 Relevance
153:2, 4, 6, 9, 13, 15, 18, 23	Rules 401, 402, 403 Relevance
154:1, 4, 9, 11, 13, 16, 18, 21, 24	Rules 401, 402, 403 Relevance
157:23	Rules 401, 402, 403 Relevance
158:1, 7, 11, 13, 16, 20, 23	Rules 401, 402, 403 Relevance
159:2, 8, 11, 15, 22, 25	Rules 401, 402, 403 Relevance
160:4, 7, 9, 11, 18, 22	Rules 401, 402, 403 Relevance
161:2, 5, 7, 13, 19, 22, 25	Rules 401, 402, 403 Relevance
162:9, 13, 16, 20, 24	Rules 401, 402, 403 Relevance
163:4	Rules 401, 402, 403 Relevance
165:7, 11, 13, 16, 24	Rules 401, 402, 403 Relevance
166:3, 14, 17	Rules 401, 402, 403 Relevance
170:16, 18, 22, 25	Rules 401, 402, 403 Relevance
171:6, 9, 12, 14, 21, 24	Rules 401, 402, 403 Relevance
172:2, 5, 7, 9, 11, 14, 16, 20, 23	Rules 401, 402, 403 Relevance
173:1, 5, 8, 11, 14, 18, 20	Rules 401, 402, 403 Relevance
174:2, 6, 9, 13, 16, 21, 24	Rules 401, 402, 403 Relevance
175:2, 4, 7, 12, 15, 18, 21, 23	Rules 401, 402, 403 Relevance
176:1, 4, 8, 15, 20, 25	Rules 401, 402, 403 Relevance
177:5, 25	Rules 401, 402, 403 Relevance
178:5, 10, 14, 16, 25	Rules 401, 402, 403 Relevance
179:3, 6, 9, 12, 14, 18, 25	Rules 401, 402, 403 Relevance
180:4, 9, 14, 16, 24	Rules 401, 402, 403 Relevance
181:1, 6, 24	Rules 401, 402, 403 Relevance
182:3, 7, 12, 16, 18, 20	Rules 401, 402, 403 Relevance
183:1, 4, 9, 12, 14, 17, 20	Rules 401, 402, 403 Relevance
184:1, 4, 7, 13, 16, 23	Rules 401, 402, 403 Relevance
185:1, 4	Rules 401, 402, 403 Relevance
188:4, 10, 12, 14	Rules 401, 402, 403 Relevance
189:4, 7, 11, 13, 17, 20, 23	Rules 401, 402, 403 Relevance
190:3, 5, 9, 12, 14, 17, 24	Rules 401, 402, 403 Relevance
191:2, 6, 10, 14, 17, 20, 24	Rules 401, 402, 403 Relevance
192:2, 6, 10, 13, 16, 18, 21, 25	Rules 401, 402, 403 Relevance
193:3, 9, 12, 16, 20, 22	Rules 401, 402, 403 Relevance
194:2, 4, 7, 9, 13	Rules 401, 402, 403 Relevance
195:7, 11, 15, 17, 20, 22	Rules 401, 402, 403 Relevance
196:2, 5, 8, 12, 14, 21	Rules 401, 402, 403 Relevance
202:24	Rules 401, 402, 403 Relevance
203:1, 3, 6, 21, 24	Rules 401, 402, 403 Relevance
204:4, 8, 12, 16, 23	Rules 401, 402, 403 Relevance
205:2, 5, 7, 10, 13, 17, 23	Rules 401, 402, 403 Relevance
206:5, 9, 13, 16, 19, 21	Rules 401, 402, 403 Relevance
207:1, 4, 8, 10, 17, 20, 23	Rules 401, 402, 403 Relevance

208:2, 8, 13, 18, 22	Rules 401, 402, 403 Relevance
209:1, 4, 7, 11, 14, 17, 20, 22, 25	Rules 401, 402, 403 Relevance
210:4, 7, 11, 15, 18, 22, 25	Rules 401, 402, 403 Relevance
211:5, 9, 12, 21	Rules 401, 402, 403 Relevance
212:2, 7, 10, 13, 16, 19, 21, 23	Rules 401, 402, 403 Relevance
213:16, 21, 24	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
214:4, 8, 15, 19, 21	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
215:2, 5, 9, 13, 16, 20, 24	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
216:7, 10, 14, 20, 24	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
217:4, 7, 12, 16, 20, 24	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
218:2, 9, 19, 21	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
219:1, 4, 13, 16, 22	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
220:2, 8, 12, 15, 19, 22	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
221:8, 16, 19, 24	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
222:5, 7, 17, 21, 23, 25	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
223:5, 9, 11, 13, 18, 24	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
224:6, 21	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
225:1, 4, 9, 16, 21, 24	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
226:5, 8, 10, 13, 22, 24	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
227:4, 6, 11, 14, 21, 24	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
228:2, 6, 8, 11, 15, 18	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
229:2, 5, 8, 12, 15, 22, 25	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
230:3, 6, 17, 19, 21, 23	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
231:1, 5, 9, 13	Rules 401, 402, 403 Relevance, Rule 602 Lack of personal knowledge
231:19, 24	Rules 401, 402, 403 Relevance
232:1, 7, 11, 13, 19, 22, 25	Rules 401, 402, 403 Relevance
233:7, 9, 14, 16, 18, 22	Rules 401, 402, 403 Relevance

234:6, 11, 14, 16, 25  
235:4, 8  
243:13, 17, 20, 22, 25  
244:4

Rules 401, 402, 403 Relevance  
Rules 401, 402, 403 Relevance  
Rules 401, 402, 403 Relevance  
Rules 401, 402, 403 Relevance

**ALAN FORD COUNTER-DESIGNATIONS**  
**Date of Deposition 07/21/08**

13:2-15  
14:1-4, 14-18  
27:23-25  
28:1-2, 7-9  
30:9-21  
32:21-25  
33:1-12  
45:21-25  
46:21-24  
56:7-13  
57:18-25  
58:1-18  
61:20-24  
62:4-10  
64:25  
65:1-5, 25  
66:1-16  
69:2-14  
76:7-12  
79:24-25  
80:1-7  
82:12-22  
86:3-9  
88:22-25  
89:1, 6-8  
96:2-8  
150:17-21  
154:18-25  
155:1-12, 20-23  
156:18-25  
157:1-25  
158:1-17  
159:6-12, 18-22  
160:4-10, 20-23  
161:24-25  
162:1-4, 11-25  
163:1-14  
164:21-25  
165:1-9, 25  
166:1-3  
167:2-7, 18-21  
168:5-15  
170:4-9, 11, 13-16

171:10-17

**ALAN FORD – OBJECTIONS TO DESIGNATIONS**

12:14, 20	Rules 401, 402, 403 Relevance
15:21-24	Rules 401, 402, 403 Relevance
16:1, 5, 9, 14, 16, 18, 25	Rules 401, 402, 403 Relevance
17:4, 10, 13, 18, 22, 25	Rules 401, 402, 403 Relevance
18:4, 7, 13, 17, 23	Rules 401, 402, 403 Relevance
19:1, 3, 6, 11, 15, 18, 23	Rules 401, 402, 403 Relevance
20:3, 5, 8, 17, 21, 24	Rules 401, 402, 403 Relevance
21:3, 7, 11, 14, 16, 23, 25	Rules 401, 402, 403 Relevance
22:4, 8, 11, 16, 19, 24	Rules 401, 402, 403 Relevance
23:2, 5, 9, 13, 17, 21, 24	Rules 401, 402, 403 Relevance
24:4, 7, 11, 13, 15, 19, 23	Rules 401, 402, 403 Relevance
25:3, 5, 7	Rules 401, 402, 403 Relevance
37:4, 11, 16, 20, 23	Rules 401, 402, 403 Relevance
38:1, 4, 7, 11, 16, 22	Rules 401, 402, 403 Relevance
39:1, 5, 14, 22, 25	Rules 401, 402, 403 Relevance
40:6, 21	Rules 401, 402, 403 Relevance
41:1, 11, 15, 20, 24	Rules 401, 402, 403 Relevance
42:1, 5, 8, 10, 12, 17, 19, 22	Rules 401, 402, 403 Relevance
43:2, 6, 9, 13, 16, 18	Rules 401, 402, 403 Relevance
44:2, 8, 12, 15, 18, 21, 25	Rules 401, 402, 403 Relevance
45:3, 8, 12, 15, 17	Rules 401, 402, 403 Relevance
51:21, 25	Rules 401, 402, 403 Relevance
52:4, 8, 16, 19, 23	Rules 401, 402, 403 Relevance
53:2, 5, 7, 12, 15	Rules 401, 402, 403 Relevance
60:7, 13, 15, 17, 21, 25	Rules 401, 402, 403 Relevance
61:4, 6, 8, 12, 15	Rules 401, 402, 403 Relevance
68:23	Rules 401, 402, 403 Relevance
74:19	Rules 401, 402, 403 Relevance
75:3, 8	Rules 401, 402, 403 Relevance
76:???	Rules 401, 402, 403 Relevance
77:7, 11, 15, 17, 20	Rules 401, 402, 403 Relevance
78:5, 8, 14, 25	Rules 401, 402, 403 Relevance
79:5, 10, 13, 15, 18, 20, 22	Rules 401, 402, 403 Relevance
81:15, 20, 23, 25	Rules 401, 402, 403 Relevance
82:4, 9	Rules 401, 402, 403 Relevance
84:9, 13, 17, 21	Rules 401, 402, 403 Relevance
85:1, 5, 7, 10, 16, 20, 22, 25	Rules 401, 402, 403 Relevance
86:2	Rules 401, 402, 403 Relevance
87:4, 9, 12, 15, 18, 21, 24	Rules 401, 402, 403 Relevance
88:1, 6, 10, 17	Rules 401, 402, 403 Relevance
91:11, 18, 23	Rules 401, 402, 403 Relevance
92:2, 9, 14, 18, 20, 23	Rules 401, 402, 403 Relevance

96:9, 12, 14, 17, 21	Rules 401, 402, 403 Relevance
97:3, 5, 8, 12, 18	Rules 401, 402, 403 Relevance
99:14, 19	Rules 401, 402, 403 Relevance
100:???	Rules 401, 402, 403 Relevance
103:10, 14 23	Rules 401, 402, 403 Relevance
104:1, 3, 5, 8, 13, 19, 24	Rules 401, 402, 403 Relevance
105:1, 3, 6, 9, 12, 15, 18, 23	Rules 401, 402, 403 Relevance
106:3, 6, 10, 14, 17, 19	Rules 401, 402, 403 Relevance
107:5, 7, 13	Rules 401, 402, 403 Relevance
109:2, 7, 11, 19, 22, 24	Rules 401, 402, 403 Relevance
110:3, 6, 8	Rules 401, 402, 403 Relevance
112:13, 17, 22	Rules 401, 402, 403 Relevance
113:3, 6, 8, 11, 14, 16, 23	Rules 401, 402, 403 Relevance
114:10, 13	Rules 401, 402, 403 Relevance
115:2, 6, 9, 14, 19, 21, 23	Rules 401, 402, 403 Relevance
117:5, 9, 12, 15	Rules 401, 402, 403 Relevance
118:3, 7, 13	Rules 401, 402, 403 Relevance
119:4, 9, 15, 17, 21	Rules 401, 402, 403 Relevance
120:1, 3, 7, 10, 13, 20, 23	Rules 401, 402, 403 Relevance
121:5, 9, 15, 18, 20, 24	Rules 401, 402, 403 Relevance
122:2, 7, 12, 17, 24	Rules 401, 402, 403 Relevance
123:21	Rules 401, 402, 403 Relevance
124:1, 5, 10, 14, 17, 20, 23	Rules 401, 402, 403 Relevance
125:1, 5, 8, 11, 18, 20, 22, 25	Rules 401, 402, 403 Relevance
126:3, 6, 11, 15, 19, 23	Rules 401, 402, 403 Relevance
127:1, 4, 7, 9, 13, 23	Rules 401, 402, 403 Relevance
128:1, 4, 6, 9, 11, 17, 19, 22, 24	Rules 401, 402, 403 Relevance
129:3, 6, 13, 16, 19, 24	Rules 401, 402, 403 Relevance
130:2	Rules 401, 402, 403 Relevance
134:10, 16, 20, 22	Rules 401, 402, 403 Relevance
135:1, 10, 12, 14, 18, 23	Rules 401, 402, 403 Relevance
136:3, 7, 16	Rules 401, 402, 403 Relevance
137:21, 25	Rules 401, 402, 403 Relevance
138:8, 12, 20, 22, 24	Rules 401, 402, 403 Relevance
140:8, 16, 18, 23	Rules 401, 402, 403 Relevance
141:3, 7, 18, 21	Rules 401, 402, 403 Relevance
142:2, 4, 8, 12, 16, 18, 20, 23	Rules 401, 402, 403 Relevance
143:1, 4, 7, 17, 21, 23, 25	Rules 401, 402, 403 Relevance
144:4, 8, 12, 15	Rules 401, 402, 403 Relevance
145:1, 4, 8	Rules 401, 402, 403 Relevance
151:9, 13, 15, 18, 21	Rules 401, 402, 403 Relevance
152:1, 4, 10, 13, 15	Rules 401, 402, 403 Relevance

**TEENA GUNTER COUNTER-DESIGNATIONS**  
**Date of Deposition 10/29/08**

31:8-12  
94:3-16  
112:5-14

**TEENA GUNTER COUNTER-DESIGNATIONS**  
**Date of Deposition 08/27/08 (Vol. I)**

6:23-7:19  
81:11-82:2  
82:9-22  
159:6-17  
161:7-162:1  
165:19-166:10  
167:9-168:11  
172:10-20  
174:6-19  
175:21-177:1  
178:24-179:14

**TEENA GUNTER COUNTER-DESIGNATIONS**  
**Date of Deposition 08/28/08 (Vol. II)**

208:22-210:7  
215:16-24  
217:20-218:4  
243:19-244:19

**WILLIAM MICHAEL HANEMANN – COUNTERDESIGNATIONS**

Date of Deposition 5/5/09

Counterdesignations subject to ruling

21:13-20  
25:1-28:23  
32:11-35:7  
37:21-25  
40:11-21  
43:11-21  
48:5-19  
50:18-21  
52:5-53:1  
53:21-54:18  
56:18-58:5  
66:13-18  
68:5-8  
69:19-70:6  
72:20-74:5  
74:11-75:23  
78:19-24  
83:13-85:9  
93:2-95:18  
96:20-98:14  
100:2-101:8  
104:15-105:1  
105:13-106:12  
107:15-108:3  
108:11-109:12  
112:21-114:15  
131:14-132:6  
132:16-133:6  
134:15-135:13  
136:16-19  
136:23-137:5  
141:18-143:7  
144:19-146:13  
151:12-152:4  
152:9-154:25  
168:10-15  
169:8-171:4  
172:14-176:15  
177:9-178:1  
178:17-183:14  
186:22-187:15  
187:22-188:15  
195:17-196:6  
220:11-221:1

244:22-25  
245:11-246:3  
250:23-251:8

Correction Page: Corrections to 33:23, 33:24, 43:1, 43:4, 81:24, 94:4, 100:10, 222:5, 245:25

**WILLIAM MICHAEL HANEMANN – OBJECTIONS TO DESIGNATIONS**

18:16-22	Rule 802 – Hearsay; objection to form - mischaracterizes prior testimony
18:23-19:8	Rule 802 – Hearsay; objection to form - mischaracterizes prior testimony
21:6-9	Rule 401 – Relevance; Rule 403 – Confusion of issues or misleading to jury
22:17-19	Rule 401 – Relevance; Rule 403
23:11-19	Rule 401 – Relevance; Rule 403 – Confusion of issues or misleading to jury
23:20-22	Rule 401 – Relevance; Rule 403 – Confusion of issues or misleading to jury
23:23-24:1	Rule 401 – Relevance; Rule 403 – Confusion of issues or misleading to jury
24:2-12	Rule 401 – Relevance; Rule 403 – Confusion of issues or misleading to jury
24:13-14	Rule 401 – Relevance; Rule 403 – Confusion of issues or misleading to jury
40:25-41:7	Objection to form – compound, calls for narrative
41:8-42:5	Same objections as 40:25
65:8-19	Objection to form - mischaracterizes prior testimony
81:16-25	Objection to form - vague, ambiguous, unintelligible
86:10-14	Objection to first sentence on line 10: Rule 401 – Relevance; Rule 403; ambiguous
137:6-138:12	Rule 403 – Confusion of issues or misleading to jury; calls for legal conclusion
204:10-14	Objection to form - argumentative
214:12-22	Objection to form - asked and answered
215:12-216:4	Objection to form - vague and ambiguous
221:2-11	Lines 2-7: Objection to form - argumentative
241:18-25; 242:1-2	Speculation, assumes facts not in evidence

**MICHAEL HARRELL COUNTER-DESIGNATIONS**

Date of Deposition 9/9/2008

26:1-17  
27:8-28:7  
29:14-22  
30:2-31:2  
32:2-33:1  
35:15-24  
45:11-46:4  
47:8-48:4  
50:23-51:8  
51:24-52:1  
53:4-54:24  
57:25-58:14  
60:9-21  
61:16-25  
62:7-15  
69:15-70:15  
74:23-75:8  
76:21-78:6  
87:21-88:4  
97:10-12  
100:5-101:2  
103:25-104:13  
121:24-122:5

**MICHAEL HARRELL - OBJECTIONS TO DESIGNATIONS**

84:2-5	Rule 402 and 403 relevance
97:7-15	beyond the scope of examination, Rule 402 and 403 Relevance

**ROBERT HUBER COUNTER-DESIGNATIONS**

51:9-16  
57:12-17  
72:7-73:8  
74:12-18  
83:12-22  
88:19-89:22  
93:2-11  
96:3-17  
101:19-23  
104:2-9  
106:8-107:18  
108:10-17  
128:21-129:25  
131:17-132:25  
141:3-143:3  
145:11-146:1  
148:12-17  
150:25-151:5  
168:20-23  
169:1-16  
170:17-21  
171:4-10  
202:4-19  
207:5-21  
209:10-21  
211:8-212:5  
214:25-215:4  
222:6-223:13  
231:17-232:6  
233:12-234:5  
240:21-241:2  
251:5-20  
256:19-257:4

**ROBERT HUBER – OBJECTIONS TO DESIGNATIONS**

49:20-24	Rule 611(c) Leading
59:13-15	Rule 402 and 403 Relevance
61:19-20	Rule 402 and 403 Relevance
62:22-24	Rule 611(a) Calls for a narrative
71:2-3	Rule 611(a) Mischaracterizes previous testimony and Rule 402 and 403 Relevance
73:9-14	Rule 611(a) Argumentative and Rule 402 and 403 Relevance

73:16-18	Rule 611(a) Argumentative, and Mischaracterizes previous testimony
78:25-79:3	Rule 602 Calls for speculation
80:19-22	Rule 402 and 403 Relevance
86:4-10	Rule 402 and 403 Relevance
86:19-22	Rule 402 and 403 Relevance
102:6-7	Rule 402 and 403 Relevance
102:9-11	Rule 402 and 403 Relevance
102:13-16	Rule 402 and 403 Relevance and Rule 602 Calls for speculation
119:18-20	Rule 402 and 403 Relevance and Rule 602 Calls for speculation
120:14-15	Rule 611(a) Asked and Answered
120:21	Rule 611(a) Asked and Answered
122:19-25	Rule 611(a) Compound and Unintelligible
135:16-18	Rule 611(a) Mischaracterizes previous testimony and Rule 402 and 403 Relevance
143:18-19	Rule 602 Calls for speculation
173:14-17	Rule 602 Calls for speculation and Rule 402 and 403 Relevance
185:14-18	Rule 402 and 403 Relevance
197:11-13	Rule 611(a) Asked and Answered
209:5-8	Rule 402 and 403 Relevance
224:19-22	Rule 402 and 403 Relevance and Rule 611(c) Leading
228:24-229:1	Rule 402 and 403 Relevance
237:7-16	Rule 611(a) Mischaracterizes evidence
239:5-7	Rule 611(a) Mischaracterizes previous testimony

**Barbara Kanninen Deposition Counter Designations**

8:14-20  
9:12-15 (with corrections to lines 13 and 14)  
9:16 - 11:24 (with correction to 10:15)  
14:1- 15:6  
17:8 - 19:8 (with correction to 19:6)  
19:15 - 20:8 (with correction to 20:5 and 20:8)  
45:13 - 24  
49:17 - 50:8  
50:12 - 51:2  
58:12-59:19  
77:11-72  
78:2- 79:10  
80:6 - 80:24  
89:1-12  
103:15-22  
104:2 - 105:7  
108:8-109:6  
109:13- 110:2  
111:16-25  
125:22-127:23  
134:25-137:2  
152:21 - 153:17  
155:25 - 158:2  
161:17 - 162:4  
174:25- 176:24

**Barbara Kanninen Deposition Designation Objections**

28:9-19	401 relevance
29:1-7	401 relevance, 403 prejudicial
29:15 - 17	401 relevance, 403 prejudicial
29:25 - 30:6	401 relevance, 403 prejudicial
34:2 - 34:8	401 relevance, 403 prejudicial
48:15 - 25	403 confusion of the issues, misleading, mischaracterizes previous testimony
62:10-20	403 confusion of the issues, misleading to jury; vague and ambiguous question
63:15 – 64:9	403 confusion of the issues, misleading to jury; mischaracterizes previous testimony, ambiguous or unintelligible, asked and answered
64:19 - 65:3	403 confusion of the issues, misleading to jury; calls for speculation
69:10-19	403 confusion of the issues, misleading to jury; mischaracterizes previous testimony.

107:2-13	401 relevance, 403 confusion of the issues, misleading to jury
164:19 - 165:1	401 relevance, 403 confusion of the issue, misleading to jury
165:10 - 166:19	403 confusion of the issues, misleading to jury
173:20-25	403 confusion of the issues, misleading to jury
175:7-24	403 confusion of the issues, misleading to jury

**PLAINTIFF'S COUNTER-DESIGNATIONS and OBJECTIONS FOR DEPOSITION OF  
GREG KLOXIN – OCTOBER 10, 2008**

**Counter-designations**

6:4-8  
7:19-8:5  
8:13-9:7  
10:20-11:1  
51:15-52:13  
56:13-24  
59:2-16  
65:4-22  
73:24-25 and Exhibit 9 to the deposition  
91:24-94:11  
145:4-146:12  
166:7-167:1  
167:13-168:11

**Objections**

136:24-138:21 – Beyond the scope of the 30(b)(6) notice  
139:1-16 – Relevance – FRE 401-403  
204:4-205:19 – Relevance – FRE 401-403  
262:10-18 – Beyond the scope of the 30(b)(6) notice

**JON KROSNICK, PhD – COUNTERDESIGNATIONS**

Date of Deposition 5/1/09

Counterdesignations subject to ruling

23:14-17  
29:17-30:1  
31:23-32:18  
37:8-38:10  
47:17-48:18  
55:23-59:15  
61:14-20  
62:2-63:23  
64:11-65:7  
80:14-25  
89:13-90:16  
93:3-8  
97:14-98:13  
101:17-25  
102:25-105:1  
107:4-8  
110:19-111:2  
113:16-114:22  
123:11-14  
136:21-137:17  
155:3-15  
156:15-158:22  
164:6-166:5  
166:13-18  
179:8-12  
180:18-181:16  
198:10-12  
207:14-208:11

Correction Page: Corrections to 29:21, 34:7, 36:20, 52:10, 57:4, 57:23, 58:25, 64:18, 64:22, 64:24, 64:25, 67:14, 68:19, 69:18, 95:25, 96:25, 103:5, 137:4, 137:15, 157:16, 165:4, 177:20, 199:18

**JON KROSNICK, PhD – OBJECTIONS TO DESIGNATIONS**

17:14-19	Rule 401 – Relevance; Rule 403 – Confusion of the issues or misleading the jury
17:20-21	Rule 401 – Relevance; Rule 403 – Confusion of the issues or misleading the jury
17:22-23	Rule 401 – Relevance; Rule 403 – Confusion of the issues or misleading the jury
23:11-13	Rule 403 – Confusion of the issues or misleading the jury
23:23-25	Rule 403 – Confusion of the issues or misleading the jury
27:23-28:6	Lines 28:4-5 – Rule 401; Rule 403
59:25-60:1	Rule 401 – Relevance; Rule 403 – Unfair prejudice, misleading to jury

60:9-11	Rule 401 – Relevance; Rule 403 – Unfair prejudice, misleading to jury, cumulative to P. 59, L. 25-P. 60, L.1
81:16-19	Rule 401 – Relevance; Rule 403 – Unfair prejudice, misleading to jury
82:10-13	Rule 401 – Relevance
82:17-20	Rule 401 – Relevance; Rule 403 – Unfair prejudice, misleading to jury
94:10-15	Objection to form – vague, argumentative
175:10-19	Rule 602 – Foundation; objection to form – calls for speculation
193:8-13	Rule 701 - Foundation

**PLAINTIFF'S COUNTER-DESIGNATIONS and OBJECTIONS FOR DEPOSITION OF  
ANTHONY LAWRENCE – OCTOBER 9, 2007**

\*This witness also designated by Plaintiff. No additional designations, objections listed below\*

**Objections**

24:15-27:11 – Non-responsive; narrative; Relevance – FRE 401-403  
29:23-25 – Lack of foundation – FRE 602; Relevance – FRE 401-403  
32:16-34:1 – Non-responsive; narrative  
43:12-13 – Lack of foundation – FRE 602; Leading  
46:14-18 – Misstates testimony/evidence  
74:21-76:21 – Relevance – FRE 401-403  
77:3-78:12 – Non-responsive; narrative; Relevance – FRE 401-403  
78:13-79:4 – Leading; Non-responsive; narrative; Relevance – FRE 401-403  
89:14-24 – Lack of foundation – FRE 602; Non-responsive; Calls for speculation; Relevance – FRE 401-403  
90:16-92:5 – Non-responsive; Narrative; Relevance – FRE 401-403  
92:6-11 – Leading; Lack of foundation – FRE 602; Calls for legal conclusion  
94:18-95:7 – Calls for legal conclusion; Opinion testimony from lay witness – FRE 701  
99:3-10 – Relevance – FRE 401-403; Lack of personal knowledge – FRE 602  
99:11-13 – Calls for legal conclusion; Assumes facts; Lack of foundation – FRE 602; Leading  
100:4-6 – Calls for legal conclusion; misstates testimony; Lack of foundation – FRE 602  
107:3-22 – Lack of foundation – FRE 602; Relevance – FRE 401-403; Assumes facts  
130:13-17 – Lack of foundation – FRE 602; Calls for legal conclusion  
138:7-9 – Leading  
138:25-139:6 – Lack of foundation – FRE 602; Leading; Calls for speculation  
140:22-141:3 – Calls for legal conclusion  
144:7-9 – Leading  
144:10-13 – Leading  
151:14-18 – Leading; Asked and answered  
154:3-5 – Leading; Relevance – FRE 401-403; Assumes facts  
159:13-160:5 – Relevance – FRE 401-403; Lack of foundation – FRE 602  
160:6-8 – Leading; Relevance – FRE 401-403; Lack of foundation – FRE 602  
160:16-23 – Leading; Relevance – FRE 401-403  
164:5-10 – Calls for legal conclusion; Assumes facts; Misstates evidence; Asked and answered  
166:5-167:7 – Relevance – FRE 401-403  
173:23-174:3 – Leading; Calls for legal conclusion; Misstates evidence  
246:20-25 – Leading; Calls for legal conclusion; Misstates evidence; Assumes facts  
247:1-6 – Leading; Calls for legal conclusion  
250:22-25 – Leading; Calls for legal conclusion  
251:5-16 – Lack of foundation – FRE 602; Assumes facts; Speculation  
251:17-21 – Leading; Lack of foundation – FRE 602; Speculation  
251:22-25 – Leading; Lack of foundation – FRE 602; Speculation

**TAMZEN MacBETH COUNTER-DESIGNATIONS**  
**Date of Deposition: October 30, 2008**

12:11-14, 19-25  
13:1-3  
14:7-24  
16:3-23  
17:11-25  
18:1-3  
19:24-25  
20:1  
26:23-25  
27:1-10, 16-25  
28:1, 8-11  
29:16-25  
30:1-12  
33:6-25  
34:1-3  
35:1-19  
41:11-17, 23-25  
47:16-25  
48:1-25  
49:1-4, 6-24  
50:7-13  
51:9-25  
52:1-13  
54:11-18  
55:18-25  
56:1  
62:9-13  
67:20-25  
68:1-5  
71:24-25  
72:1-4  
81:2-6, 20-25  
82:1-2  
85:1-5, 19-21, 23-25  
86:1, 3-6  
89:25  
90:1-2, 13-21  
93:17-25  
94:1-8, 25  
95:1-8, 10-13, 15-20  
98:8-19  
101:13-20, 22-24  
102:19-25

103:1  
106:1-25  
107:1-4, 11-21  
109:5-21  
115:2-7  
124:15-19  
128:25  
129:1-8  
130:24-25  
131:1-12  
133:15-25  
134:1-10, 19-25  
135:1-25  
136:1-2  
137:16-25  
138:1-25  
139:1  
145:8-25  
146:7-20, 22-25  
147:1-3  
149:25  
150:1-3  
154:19-25  
155:1-17  
159:12-25  
160:1-7  
181:7-25  
182:1-14  
183:1-4, 6-9  
186:16-23  
195:3-20  
198:13-18  
211:17-24  
216:20-22  
218:9-14  
222:16-20  
223:1-17  
229:2-10, 16-24  
244:6-21  
247:10-21  
248:3-16  
250:6-10, 14-19, 22-25  
252:1-2, 24-25  
253:1-6  
254:14-17  
261:13-24

263:10-25  
264:1-5  
284:20-25  
285:1-3  
286:23-25  
287:1-9

**TAMZEN MacBETH – OBJECTIONS TO DESIGNATIONS**

77:13-14 This side-commentary of counsel should be stricken.  
86:21-25 Rule 402; Dr. MacBeth was not involved in data interpretation, so her knowledge regarding “fate and transport” is irrelevant.  
87:1-3 Rule 402; Dr. MacBeth was not involved in data interpretation, so her knowledge regarding “fate and transport” is irrelevant.  
94:21-24 Form (calls for speculation)  
117:2-8 Form (compound)  
117:17-25 Form (calls for speculation); Rule 701 (no foundation for opinion testimony on the topic)  
118:1-22 Form (calls for speculation); Rule 701 (no foundation for opinion testimony on the topic)  
157:11-20 Form (compound; argumentative: “magically, from my perspective”; vague: “stuff,” “straight line”)  
158:21-25 Rule 602 -- Dr. MacBeth lacks personal knowledge and actually testifies that she is speculating (see page 159)  
159:1-11 Rule 602 -- Dr. MacBeth lacks personal knowledge and actually testifies that she is speculating  
168:2-20 Rule 602 – Witness is clearly speculating as to what Ms. Weidhaas meant by “ammunition to the defense;” Rule 402 or 403; Ms. Weidhaas’ statement is irrelevant or its probative value is substantially outweighed by danger of prejudice to State, jury confusion.  
171:8-21 Form (calls for speculation about the intent of another)  
171:22-25 Form (calls for speculation about the intent of another)  
197:24-25 Rule 602 (no personal knowledge)  
198:1-12 Rule 602 (no personal knowledge)  
203:20-25 Rule 1006 (questions involve an exhibit created by Defendants which witness has never seen before, accuracy has not been verified; Rule 1002; Rule 602)  
204:1-3 Rule 1006 (questions involve an exhibit created by Defendants which witness has never seen before, accuracy has not been verified; Rule 1002; Rule 602)  
210:1-10 Form (calls for speculation); Rule 602 (no personal knowledge)  
253:15-20 Rule 602  
255:10-18 Form (speculation); Rule 602

**MICHAEL MADDEN COUNTER-DESIGNATIONS**

Date of Deposition 9/11/2008

8:21-25-9:1-12  
17:13-25-18:1-5  
20:5-10  
26:1-2  
29:20-22  
31:1-3  
31:6-8  
40:25-41:1-10  
48:21-25-49:1-5  
88:17-25-89:1-17  
92:11-18  
102:14-25  
105:20-24  
111:6-17  
113:25  
113:25-114:1-2

**MICHAEL MADDEN - OBJECTIONS TO DESIGNATIONS**

37:10	Rules 402, 403 Relevancy
40:10-11, 23-24	Rules 402, 403 Relevancy
69:15-16	Rules 402, 403 Relevancy
118:7-19	Calls for a legal conclusion

**KRISTINA MAREK**  
**STATE’S COUNTER-DESIGNATIONS AND OBJECTIONS**

Date of Deposition – 03/11/09

**COUNTER-DESIGNATIONS**

107:3-11  
108:6-14  
125:13 – 126:11  
146:24 – 147:6  
148:22-25  
149:18 – 150:5  
160:14-21

Note: All counter-designations are subject to Court’s ruling on State’s objections to Defendants’ designated testimony for this witness.

**OBJECTIONS TO DEFENDANTS’ DESIGNATIONS**

9:16-23; 10:1 – 14:6	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
14:20-23	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
15:9 - 18:6	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
18:21 – 23:9	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
25:9-13; 19-25	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
26:1 – 32:14	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
32:24 – 36:2	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
54:22 – 58:7	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
59:25 – 60:23	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
66:14 – 67:6	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
68:6 – 70:4	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
71:5 – 74:1	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
	F.R.E. 602 – Lack of Personal Knowledge
74:9 – 87:12	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
	F.R.E. 602 – Lack of Personal Knowledge
87:16 – 90:24	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
	F.R.E. 602 – Lack of Personal Knowledge
91:12 – 97:15	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
	F.R.E. 602 – Lack of Personal Knowledge
98:8 – 104:12	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
105:4 – 106:24	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
109:20 – 111:20	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
113:2 – 123:11	F.R.E. 401, 402, 403 – General relevance; confusion of the issues

129:6 – 134:13	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
135:3-17	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
136:5-10	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
139:2 – 146:10	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
150:6 – 152:4	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
152:8 – 158:15	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
163:7 – 168:23	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
169:7-9; 169:14-18; and 170:1-16	F.R.E. 401, 402, 403 – General relevance; confusion of the issues; F.R.E. 602 – Lack of Personal Knowledge; F.R.E. 701 – Opinion of Lay Witness
170:17 – 171:13	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
171:24 – 173:7	F.R.E. 401, 402, 403 – General relevance; confusion of the issues; F.R.E. 602 – Lack of Personal Knowledge; F.R.E. 701 – Opinion of Lay Witness
177:8-25	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
181:3-15	F.R.E. 602 – Lack of Personal Knowledge
184:23 – 187:11	F.R.E. 401, 402, 403 – General relevance; confusion of the issues

**EDWARD MOREY, PhD – COUNTERDESIGNATIONS**

Date of Deposition 4/29/09

5:10-16	
29:25-30:8	Counterdesignation subject to ruling on intercept study
37:5-13	Counterdesignation subject to rulings on intercept study and phone survey
39:2-9	
40:14-41:15	
48:17-49:4	Each counterdesignation on pp. 48-49 subject to rulings on intercept study and phone survey
52:18-53:16	
55:19-23	
65:10-67:5	
70:12-18	
70:24-71:18	
71:22-72:14	
74:11-75:9	
105:2-10	
107:8-24	
108:5-13	
108:22-23	
116:4-9	
116:12-18	
117:15-17	
117:21-118:2	
121:8-122:5	
126:5-11	
126:23-127:4	
138:24-139:23	
Correction Page: Corrections to 30:8, 31:15, 37:11, 41:25, 106:11	

**EDWARD MOREY, PhD – OBJECTIONS TO DESIGNATIONS**

25:22-26:1	Rule 403 – Confusion of the issues or misleading to jury
26:2-7	Rule 403 – Confusion of the issues or misleading to jury
27:2-5	Rule 403 – Confusion of the issues or misleading to jury
28:4-9	Rule 403 – Confusion of the issues or misleading to jury; objection to form – vague re: “characterize”
28:10-11	Rule 403 – Confusion of the issues or misleading to jury
28:12-13	Rule 403 – Confusion of the issues or misleading to jury
28:14-18	Rule 403 – Confusion of the issues or misleading to jury; objection to form – vague re: “characterize”
28:19-21	Rule 403 – Confusion of the issues or misleading to jury
28:22-24	Rule 403 – Confusion of the issues or misleading to jury
28:25-29:2	Rule 403 – Confusion of the issues or misleading to jury
30:18-25	Rule 403 – Confusion of the issues or misleading to jury
31:1-18	Rule 403 – Confusion of the issues or misleading to jury

33:1-6	Rule 403 – Confusion of the issues or misleading to jury
33:7-10	Rule 403 – Confusion of the issues or misleading to jury
33:11-14	Rule 403 – Confusion of the issues or misleading to jury
33:15-18	Rule 403 – Confusion of the issues or misleading to jury
33:19-23	Rule 403 – Confusion of the issues or misleading to jury
34:12-20	Rule 403 – Confusion of the issues or misleading to jury
34:21-25	Rule 403 – Confusion of the issues or misleading to jury
35:1-2	Rule 403 – Confusion of the issues or misleading to jury
35:3-4	Rule 403 – Confusion of the issues or misleading to jury
35:5-6	Rule 403 – Confusion of the issues or misleading to jury
37:14-22	Rule 403 – Confusion of the issues or misleading to jury
37:23-38:1	Rule 403 – Confusion of the issues or misleading to jury
38:2-8	Rule 403 – Confusion of the issues or misleading to jury
47:16-20	Rule 403 – Confusion of the issues or misleading to jury
47:21-48:5	Rule 403 – Confusion of the issues or misleading to jury
49:5-10	Rule 403 – Confusion of the issues or misleading to jury
49:11-12	Rule 403 – Confusion of the issues or misleading to jury
49:13-18	Rule 403 – Confusion of the issues or misleading to jury
100:15-19	Rule 403 – misleading, mischaracterizes previous testimony; objection to form: assumes facts not in evidence
103:16-23	Rule 401 – Relevance; Rule 403 – Confusion of the issues or misleading to jury
103:24-104:2	Rule 401 – Relevance; Rule 403 – Confusion of the issues or misleading to jury
106:17-23	Objection to form – vague (“modify the facts”)
112:20-24	Rule 401 – Relevance; Rule 403 – Confusion of the issues or misleading to jury
112:20-24	Rule 401 – Relevance; Rule 403 – Confusion of the issues or misleading to jury; objection to form – assumes facts not in evidence
112:25-113:1	Rule 401 – Relevance; Rule 403 – Confusion of the issues or misleading to jury
113:2-3	Rule 401 – Relevance; Rule 403 – Confusion of the issues or misleading to jury
113:4-5	Rule 401 – Relevance; Rule 403 – Confusion of the issues or misleading to jury
113:15-20	Objection to form – vague re: “it didn’t matter”
114:2-8	Objection – assumes facts not in evidence
117:2-12	Objection – vague and unintelligible re: “measuring the reduction in injury”
120:14-18	Rule 401 – Relevance

**DANIEL JOSEPH PARRISH - COUNTER-DESIGNATIONS**

Date of Deposition 1-14-08

7:15-17  
10:20  
11:17  
14:9-15  
15:14-18  
17:4-9  
18:3-15  
18:24-19:6  
31:1  
31:17-19  
32:22-33:5  
33:11-35:6  
35:20-25  
37:7-38:3  
39:14-40:3  
40:16-24  
41:18-42:11  
44:4-7  
45:9-21  
46:1-11  
47:5-12  
51:18-52:9  
52:25-53:13  
54:17-22  
55:12-17  
59:20-21  
64:24-65:16  
67:18-24  
73:1-15  
74:19-75:2  
75:19-76:8  
77:14-78:2  
79:21-80:1  
80:13-24  
83:5-11  
84:10-13  
84:16-20  
86:16-24  
88:10-14  
89:22-90:10  
90:17-91:5  
91:9-21

92:8-14  
94:15-95:18  
96:9-24  
97:2-98:10  
104:1-15  
107:1-12  
114:3-12  
114:16-18  
116:16-17  
121:1-13  
121:24-25  
122:10-16  
123:10-19  
127:25-128:18  
129:14-130:5  
134:13-24  
137:13-140:3  
140:18-141:2  
151:20-153:2  
153:12-15  
154:1-7  
157:16-158:9  
161:1  
175:12-23  
199:7-23  
201:1  
210:1  
212:22-25  
213:4-11  
225:23  
226:24-25  
228:5-6  
250:1-2  
251:11-19  
253:3  
253:11  
253:19  
258:8-12  
258:15-21  
258:24-259:5  
259:7-16  
259:19-25  
273:16-17  
273:21-276:15  
276:18-277:3  
278:22-25

279:2-5  
 279:12-280:1  
 280:3-11  
 281:2-17  
 281:19-282:9  
 284:2-22  
 284:24-285:8  
 285:10-287:11  
 287:20-23  
 287:25-288:11  
 288:14-15  
 288:17-22  
 288:25-289:13

**DANIEL JOSEPH PARRISH - OBJECTIONS TO DESIGNATIONS**

10:15-24	Assumes facts, vague, compound
11:12-23	Assumes facts, vague, foundation, compound, speculation
116:23-117:10	Rule 401 & 403 Relevance, confusion misleading the jury
202:20-25	Rule 401, 403 Relevance
204:2-9	Rule 401 & 403 Relevance at lines 2, 10, 16 & 23
204:10-15	Rule 401 & 403 Relevance at lines 2, 10, 16 & 23
204:16-22	Rule 401 & 403 Relevance at lines 2, 10, 16 & 23
204:23-205:5	Rule 401 & 403 Relevance at lines 2, 10, 16 & 23
226:10-16	Rule 701 Opinion of lay witness – lack of foundation; Rule 602 Hearsay
226:17-23	Rule 701 Opinion of lay witness – lack of foundation; Rule 602 Hearsay
228:4-11	Rule 401 & 403 Relevance; Failure to establish predicate of foundation of knowledge
248:2-20	Line 2, 9; Rule 602 Lack of personal knowledge as to “anyone”
250:1-25	Line 1, 12, 18, 20; Rule 401, 403 Relevance; Foundation and Predicate
252:23-253:2	Rule 401 & 403 Relevance, Rule 602 Foundation, Rule 701 Lay opinion
253:14-18	Rule 401 & 403 Relevance; Rule 602 Foundation, Rule 701 Lay opinion

**CARL PARROTT COUNTER-DESIGNATIONS**

70:2-24  
83:2-5  
83:11-23  
85:5-11  
85:22-86:8  
89:5-90:9  
101:16-102:13  
151:11-19  
153:9-154:2  
156:3-12  
158:3-8  
171:15-173:1  
192:16-193:1  
194:22-195:25  
198:19-25  
199:13-202:19  
221:2-224:4  
227:25-230:2  
238:14-16  
242:1-11  
254:24-255:9  
256:9-23  
257:2-20  
258:3-16  
259:3-18  
262:1-20  
263:16-254:7  
266:6-11  
266:16-24  
273:10-16  
276:2-5  
276:15-22  
277:21-25  
292:10-293:3  
294:18-296:16

**CARL PARROTT – OBJECTIONS TO DESIGNATIONS**

40:6-8	Rule 602 Calls for speculation
55:17-19	Rule 611(a) Calls for narrative
62: 11-14	Rule 611(a) Calls for narrative
63:23-64:1	Assumes facts not in evidence
74:23-75:5	Rule 602 Calls for speculation
75:20-24	Rule 602 Calls for speculation

79:24-25	Rule 611(c) Leading, and Rule 402 and 403 Relevance
98:18-20	Rule 602 Calls for speculation
108:14-16	Rule 602 Calls for speculation and Rule 701 Witness is not an expert
112:11-13	Assumes facts not in evidence
112:15-17	Assumes facts not in evidence
116:21-23	Rule 602 Calls for speculation
118:11-125:14	Rule 1002 Best Evidence Rule
127:23-134:16	Rule 1002 Best Evidence Rule
145:24-146:2	Rule 402 and 403 Relevance, Rule 611(a) Asked and Answered, and Rule 701 Calls for a legal conclusion
153:4-5	Rule 402 and 403 Relevance
153:7	Rule 402 and 403 Relevance
158:20-24	Rule 611(c) Leading, and Rule 402 and 403 Relevance
166:14-168:8	Rule 1002 Best Evidence Rule
227:9-10	Rule 402 and 403 Relevance
244:15-16	Rule 701 Calls for an expert opinion

**Secretary Peach Counter Designations**

4/10/09 (Second Version called Peach, Terry 04\_09\_2009)

22:17-23:3, 9, 16  
24:25  
25:12  
28:2  
29:2-3  
36:4  
38:1, 6-7  
38:25  
40:17-19  
42:5-6, 14-15  
43:9-13  
45-9  
47:10-25  
48:19-25  
52:23-53:1, 3  
56:2-5  
57:16-58:1  
58:25  
59:2-10, 16, 21  
61:23-24  
62:4  
63:5, 13, 22  
64:11  
65:2, 15  
66: 7, 17, 24  
67:1-23  
68:5, 25  
69:6, 11-12, 22  
70:13  
70:15-25  
71:8, 11, 16  
72:2  
73:3, 14, 24  
74:6, 13  
75:5, 11, 15  
76:3, 14, 24  
79:10, 16  
80:11, 19-25  
81:1-3, 7, 21  
82:5, 12  
82:20-83:3  
85:16  
86:387: 5, 9, 14, 24

88:6, 11, 25  
91:16, 25  
92:15  
93:5, 14  
94:1, 11, 18  
95:6, 12, 24  
96:8  
100:7  
100:21-101:5  
103:9, 16  
104:13, 21  
105:13, 24  
106:17, 20  
108:2, 11-17  
129:11, 25  
130:21  
131:24  
137:22  
138:4  
140:5, 24-25  
141:22  
142:3, 15-25

**Secretary Peach Designation Objections**

6:5-7:14 – Rule 401 Relevance  
21:1-22:16 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
23:4-8 – Rule 401 Relevance, Rule 403 Misleading and Confusing; Calls for a legal conclusion  
23:17-24:24 – Rule 401 Relevance, Rule 403 Misleading and Confusing; Calls for a legal conclusion  
25:1-11 – Rule 401 Relevance, Rule 403 Misleading and Confusing; Calls for a legal conclusion  
25:13-24 – Rule 401 Relevance, Rule 403 Misleading and Confusing; Calls for a legal conclusion  
27:13-28:1 – Rule 401 Relevance, Rule 403 Misleading and Confusing; Calls for a legal conclusion  
28:3-29:1, 13-17 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
30:5-31:24 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
32:8-33:22 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
33:25-34:20 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

36:18-23 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
 36:25-37:25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge  
 38:2-5, 8 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
 38:19-24 – Rule 602 Lack of personal knowledge  
 39:5-40:16, 20-22 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Calls for speculation  
 41:12-19, 21-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Calls for speculation; Assumes fact not in evidence  
 42:1-4, 7-13 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Calls for speculation  
 43:1 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Calls for speculation  
 43:21-45:8 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge  
 45:10-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge  
 58:8-59:1 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony  
 59:11-15, 17-20 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony  
 60:23-61:1, 3-6, 8-17 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Misrepresents previous testimony  
 61:25-62:3, 8 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Misrepresents previous testimony  
 62:15-63:4, 6-12, 14-21, 23-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
 64:7-10, 12-13 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness  
 64:16-65:1, 3-12, 14, 16-19 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness  
 66:2-6, 8-16, 18-23, 25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness  
 67:24-68:4, 6-24 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
 69:1-5, 7-10, 13-21, 23 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Calls for speculation  
 69:24-70:12, 14 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Calls for speculation

71:5-7, 9-10, 12-15, 17 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness

71:24-72:1, 3 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness

72:8-73:3, 5-12, 14-23 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness

74:1-5, 7-12, 14-19 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Calls for speculation

74:20-75:1-4, 6-10, 12-14, 16 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness

75:17-76:1-2, 4-13, 15-23 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness

76:25-78:9 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Calls for speculation

78:16-19, 21-25 - Rule 401 Relevance; Rule 403 Misleading and Confusing

79:1-9, 11-15, 17-19 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness, Calls for speculation

79:24-80:10, 12-18 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness

81:4-6, 8-9 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Calls for speculation

81:17-20, 22-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Calls for speculation

82:1-4, 8-11, 14-19 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Calls for speculation

85:12-15, 17-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness

86:1-2, 4 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness

86:25-87:4, 6-8, 10-13, 15-23, 25 – Rule 401 Relevance; Rule 403 Misleading and Confusing

88:1-5, 7-10, 12-14, 23-24 – Rule 401 Relevance; Rule 403 Misleading and Confusing

89:1-6, 18-20, 22-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness

90:2 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge

91:7-15, 17-19, 21-24 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

92:1, 7-9, 11-14, 16, 25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

93:1-4, 6-13, 15-25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge

94:2-5, 7-10, 12-17, 20-21 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness

95:1-5, 7-11, 13-23, 25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness, Calls for speculation

96:1-7, 10-11 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Calls for speculation

98:21-99:25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness

100:1-6, 9 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness; Vague and Ambiguous; Assumes facts in dispute and not in evidence

101:1-2, 4-20 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 701 Opinion of lay witness

103:1-8, 10-15, 17-25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness

104:9-12, 14-20, 22 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Assumes facts in dispute and not in evidence

104:23-105:2 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Assumes facts in dispute and not in evidence

105:7-12, 21-23, 25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Assumes facts in dispute and not in evidence

106:2-7 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Assumes facts in dispute and not in evidence

106:12-16, 21-24 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Assumes facts in dispute and not in evidence

106:25-107:1-2 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Assumes facts in dispute and not in evidence

107:9-13 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

107:23-108:1, 3 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Calls for speculation

111:25-112:1-2, 6-9, 12-16, 21-23 - Rule 401 Relevance; Rule 403 Misleading and Confusing

113:2 – Rule 401 Relevance; Rule 403 Misleading and Confusing

129:1-10, 12-24 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Calls for speculation; Rule 701 Opinion of lay witness; Assumes facts in dispute and not in evidence

130:2-20, 22-25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Calls for speculation; Rule 701 Opinion of lay witness; Assumes facts in dispute and not in evidence

131:1-23, 25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Calls for speculation; Assumes facts in dispute and not in evidence

132:1-6 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
136:11-137:5 – Rule 401 Relevance; Rule 701 Opinion of a lay witness  
137:18-21, 23-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of foundation; Lack of personal knowledge; Calls for speculation; Rule 701 Opinion of lay witness; Assumes facts not in evidence  
138:1-3, 5-12 – Rule 401 Relevance  
138:22-140:4 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge  
140:6-17 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge;  
141:1-6 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge;  
141:17-21, 23-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge  
142:1-2, 4-8, 11-12 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge

**Secretary Peach Counter Designations**

4/10/09

22:17-23:3, 9, 16  
24:25  
25:12  
28:2  
29:2-3  
36:4  
38:1, 6-7  
38:25  
40:17-19  
42:5-6, 14-15  
43:9-13  
45-9  
47:10-25  
48:19-25  
52:23-53:1, 3  
56:2-5  
57:16-58:1  
58:25  
59:2-10, 16, 21  
61:23-24  
62:4  
63:5, 13, 22  
64:11  
65:2, 15  
66: 7, 17, 24  
67:1-23  
68:5, 25  
69:6, 11-12, 22  
70:13  
70:15-25  
71:8, 11, 16  
72:2  
73:3, 14, 24  
74:6, 13  
75:5, 11, 15  
76:3, 14, 24  
79:10, 16  
80:11, 19-25  
81:1-3, 7, 21  
82:5, 12  
82:20-83:3  
85:16  
86:387: 5, 9, 14, 24

88:6, 11, 25  
91:16, 25  
92:15  
93:5, 14  
94:1, 11, 18  
95:6, 12, 24  
96:8  
100:7  
100:21-101:5  
103:9, 16  
104:13, 21  
105:13, 24  
106:17, 20  
108:2, 11-17  
124:17  
129:11, 25  
130:21  
131:24  
132:21  
137:22  
138:4  
140:5, 24-25  
141:22  
142:3, 15-25

### **Secretary Peach Designation Objections**

21:1-22:16 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
23:4-8 – Rule 401 Relevance, Rule 403 Misleading and Confusing; Calls for a legal conclusion  
23:17-24:24 – Rule 401 Relevance, Rule 403 Misleading and Confusing; Calls for a legal conclusion  
25:1-11 – Rule 401 Relevance, Rule 403 Misleading and Confusing; Calls for a legal conclusion  
25:13-24 – Rule 401 Relevance, Rule 403 Misleading and Confusing; Calls for a legal conclusion  
27:13-28:1 – Rule 401 Relevance, Rule 403 Misleading and Confusing; Calls for a legal conclusion  
28:3-29:1, 13-17 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
30:5-31:24 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
32:8-33:22 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

33:25-34:20 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

36:18-23 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

36:25-37:25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge

38:2-5, 8 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

38:19-24 – Rule 602 Lack of personal knowledge

39:5-40:16, 20-22 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Calls for speculation

41:12-19, 21-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Calls for speculation; Assumes fact not in evidence

42:1-4, 7-13 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Calls for speculation

43:1 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Calls for speculation

43:2145:8 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge

45:10-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge

49:2-6, 8 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness

58:8-59:1 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony

59:11-15, 17-20 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony

60:23-61:1, 3-6, 8-17 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Misrepresents previous testimony

61:25-62:3, 8 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Misrepresents previous testimony

62:15-63:4, 6-12, 14-21, 23-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

64:7-10, 12-13 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness

64:16-65:1, 3-12, 14, 16-19 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness

66:2-6, 8-16, 18-23, 25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness

67:24-68:4, 6-24 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

69:1-5, 7-10, 13-21, 23 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Calls for speculation  
 69:24-70:12, 14 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Calls for speculation  
 71:5-7, 9-10, 12-15, 17 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness  
 71:24-72:1, 3 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness  
 72:8-73:3, 5-12, 14-23, 15 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness  
 74:1-5, 7-12, 14-19 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Calls for speculation  
 74:20-75:1-4, 6-10, 12-14, 16 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness  
 75:17-76:1-2, 4-13, 15-23 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness  
 76:25-78:9 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Calls for speculation  
 78:16-19, 21-25 - Rule 401 Relevance; Rule 403 Misleading and Confusing  
 79:1-9, 11-15, 17-19 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness, Calls for speculation  
 79:24-80:10, 12-18 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness  
 81:4-6, 8-9 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Calls for speculation  
 81:17-20, 22-25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Calls for speculation  
 82:1-4, 8-11, 14-19 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Calls for speculation  
 85:12-15, 17-25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness  
 86:1-2, 4 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness  
 86:25-87:4, 6-8, 10-13, 15-23, 25 - Rule 401 Relevance; Rule 403 Misleading and Confusing  
 88:1-5, 7-10, 12-14, 23-24 - Rule 401 Relevance; Rule 403 Misleading and Confusing  
 89:1-6, 18-20, 22-25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness  
 90:2 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge  
 91:7-15, 17-19, 21-24 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion  
 92:1, 7-9, 11-14, 16, 25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

93:1-4, 6-13, 15-25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge

94:2-5, 7-10, 12-17, 20-21 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness

95:1-5, 7-11, 13-23, 25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness, Calls for speculation

96:1-7, 10-11 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Calls for speculation

98:21-99:25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness

100:1-6, 9 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Misrepresents previous testimony; Rule 701 Opinion of lay witness; Vague and Ambiguous; Assumes facts in dispute and not in evidence

101:1-2, 4-20 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 701 Opinion of lay witness

103:1-8, 10-15, 17-25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness

104:9-12, 14-20, 22 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Assumes facts in dispute and not in evidence

104:23-105:2 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Rule 701 Opinion of lay witness; Assumes facts in dispute and not in evidence

105:7-12, 21-23, 25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Assumes facts in dispute and not in evidence

106:2-7 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Assumes facts in dispute and not in evidence

106:12-16, 21-24 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Assumes facts in dispute and not in evidence

106:25-107:1-2 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Assumes facts in dispute and not in evidence

107:9-13 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

107:23-108:1, 3 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Calls for speculation

111:25-112:1-2, 6-9, 12-16, 21-23 - Rule 401 Relevance; Rule 403 Misleading and Confusing

113:2 – Rule 401 Relevance; Rule 403 Misleading and Confusing

124:8-125:16, 18 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Vague and Ambiguous

126:18-127:6 – Rule 401 Relevance; Rule 403 Misleading and Confusing

127:13-128:19 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge; Calls for speculation; Rule 701 Opinion of lay witness; Assumes facts in dispute and not in evidence

129:1-10, 12-24 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Calls for speculation; Rule 701 Opinion of lay witness; Assumes facts in dispute and not in evidence

130:2-20, 22-25 - Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Calls for speculation; Rule 701 Opinion of lay witness; Assumes facts in dispute and not in evidence

131:1-23, 25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of personal knowledge; Calls for speculation; Assumes facts in dispute and not in evidence

132:1-6 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

132:16-20, 22-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

133:1 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion

136:11-137:5 – Rule 401 Relevance; Rule 701 Opinion of a lay witness

137:18-21, 23-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Rule 602 Lack of foundation; Lack of personal knowledge; Calls for speculation; Rule 701 Opinion of lay witness; Assumes facts not in evidence

138:1-3, 5-12 – Rule 401 Relevance

138:22-140:4 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge

140:6-23 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge;

141:1-6 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge;

141:17-21, 23-25 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge

142:1-2, 4-8, 11-12 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for a legal conclusion; Rule 602 Lack of personal knowledge

143:1-14, 16-17 – Rule 401 Relevance; Rule 403 Misleading and Confusing; Calls for speculation; Rule 701 Opinion of lay witness; Assumes facts in dispute and not in evidence

**SHANNON PHILLIPS COUNTER-DESIGNATIONS**

**Date of Deposition 01/17/2008**

12:9-17  
13:1-14:1  
17:13-20  
19:17-20:4  
34:22-35:1  
39:13-40:6  
40:16-41:15  
42:8-16  
52:18-22  
58:20-59:14  
73:16-24  
82:10-84:6  
128:4-129:23  
130:6-131:2  
131:13-25  
132:5-21  
141:5-19

**SHANNON PHILLIPS – OBJECTIONS TO DESIGNATIONS**

84:7-11	Rule 402 and 403 Relevance
84:13-17	Rule 402 and 403 Relevance
84:20-22	Rule 402 and 403 Relevance
84:24-25	Rule 402 and 403 Relevance
85:2	Rule 402 and 403 Relevance
89:14-17	Rule 402 and 403 Relevance
89:19-20	Rule 402 and 403 Relevance
89:22	Rule 402 and 403 Relevance
89:25	Rule 402 and 403 Relevance
90:2-3	Rule 402 and 403 Relevance
90:5-8	Rule 402 and 403 Relevance
90:11-13	Rule 402 and 403 Relevance
90:15-21	Rule 402 and 403 Relevance
91:1-4	Rule 402 and 403 Relevance
91:6-8	Rule 402 and 403 Relevance
91:10-11	Rule 402 and 403 Relevance
91:13-16	Rule 402 and 403 Relevance
91:19-20	Rule 402 and 403 Relevance

**LESSLEY REED PULLIAM COUNTER-DESIGNATIONS**

**Date of Deposition 03/11/09**

30:4-25  
 31:1-23  
 44:15-24  
 45:16-19  
 60:15-22  
 62:5-16  
 63:2-15  
 65:19-25  
 79:14-25  
 80:1-24  
 81:5-23  
 83:24, 25  
 84:10  
 90:21-25  
 91:1-4  
 92:23-25  
 93:1-5, 9-12  
 94:22-25  
 95:1-15; 21-25  
 96:1-6  
 97:2-13  
 100:19-23

**LESSLEY REED PULLIAM – OBJECTIONS TO DESIGNATIONS**

11:7-10, 12, 15, 16, 18, 19, 23-25	Rule 401, 402 Relevance
12:-5, 7, 11-14, 16, 17, 19-21	Rule 401, 402 Relevance
13:1, 3, 4, 6-8, 10, 11 14, 15, 17, 20, 21, 25	Rule 401, 402 Relevance
14:1, 3, 4, 7, 8, 10, 12-14, 16-18, 20, 23, 24	Rule 401, 402 Relevance
15:2, 3, 6-8, 9, 11, 13, 14, 16, 17, 19-22, 24	Rule 401, 402 Relevance
16:1-4, 6, 10, 11, 13, 15, 16, 18-20, 22, 24, 25	Rule 401, 402 Relevance
17:19, 21, 23	Rule 401, 402 Relevance
18:9, 10, 12, 17-19, 21, 22, 25	Rule 401, 402 Relevance
19:1, 3, 6-9, 11, 14, 15, 19, 20, 22, 24, 25	Rule 401, 402 Relevance
20:3, 4, 6, 7, 9, 11-15, 21-23, 25	Rule 401, 402 Relevance
21:1, 3, 7, 8-15, 18, 20-23, 25	Rule 401, 402 Relevance
22:1, 2, 6, 7, 9, 10, 12, 13, 15, 16, 18, 21-23, 25	Rule 401, 402 Relevance
23-1, 4, 5, 7, 8, 10, 11, 13, 14, 16, 17, 20, 22-24	Rule 401, 402 Relevance.
25:19, 20, 22, 23	Rule 401, 402, 403 Relevance
26:1, 2, 4, 5, 7-12, 14-18, 20-22, 24, 25	Rule 401, 402, 403 Relevance
27:2, 3, 5, 6, 9, 14-20, 22,-25	Rule 401, 402, 403 Relevance
28:2-4, 6, 7	Rule 401, 402, 403 Relevance
29:18, 19	Rule 401, 402, 403 Relevance

31:24, 25	Rule 401, 402, 403 Relevance
32:2, 3, 5, 8, 9, 11, 13, 15, 18, 20, 21, 23	Rule 401, 402, 403 Relevance
33:1-3, 7, 8, 11-13, 16-18, 21-23	Rule 401, 402, 403 Relevance
34:1	Rule 401, 402, 403 Relevance
36:6-8, 12, 13, 15, 16, 19, 20, 22-24	Rule 401, 402, 403 Relevance
37:12-14, 16, 20-23	Rule 401, 402, 403 Relevance
38:1-3, 5, 6	Rule 401, 402, 403 Relevance
39:14-16, 18, 20, 23	Rule 401, 402, 403 Relevance
40:1, 3-5, 8, 9, 11, 12, 14-16, 18, 19, 21, 24, 25	Rule 401, 402, 403 Relevance
41:2, 3, 5, 6, 8, 9, 12, 13, 15, 16, 18, 23, 25	Rule 401, 402, 403 Relevance
42:5-8, 11, 12	Rule 401, 402, 403 Relevance
45:20-25	Rule 401, 402, 403 Relevance
46:5-8, 12-16, 22-25	Rule 401, 402, 403 Relevance
47:2, 3, 5, 6, 8-11	Rule 401, 402, 403 Relevance
47:13, 15-21, 24, 25	Rule 401, 402, 403 Relevance Rule 602
	Lack of personal knowledge
48:1-7, 9-11, 13, 14, 16, 17, 19, 20, 22-25	Rule 401, 402, 403 Relevance Rule 602
	Lack of personal knowledge
49:2-5, 9, 10, 13-22, 24, 25	Rule 401, 402, 403 Relevance Rule 602
	Lack of personal knowledge
50:1, 4, 9, 10	Rule 401, 402, 403 Relevance Rule 602
	Lack of personal knowledge
53:19-22	Rule 401, 402, 403 Relevance
54:8, 9, 13-16, 20, 21, 25	Rule 401, 402, 403 Relevance
55:1, 3, 4, 6-8, 10-12, 14, 16-19, 23-25	Rule 401, 402, 403 Relevance
56:1-4, 8-11, 13, 14, 22-24	Rule 401, 402, 403 Relevance
57:1, 2, 4, 9-12, 14-16, 18, 24, 25	Rule 401, 402, 403 Relevance
58:3-5, 7-9, 16, 18, 23, 24	Rule 401, 402, 403 Relevance
59:3-5, 9, 11, 13-15, 17, 18, 22, 25	Rule 401, 402, 403 Relevance
60:1-3	Rule 401, 402, 403 Relevance
61:3, 4, 6, 7, 9, 12, 13, 15-17, 21, 22	Rule 401, 402, 403 Relevance
63:16, 17, 19	Rule 401, 402, 403 Relevance
64:9, 10, 12, 13, 16, 18, 19, 21-23	Rule 401, 402, 403 Relevance
65:1, 6, 8, 9, 13, 14	Rule 401, 402, 403 Relevance
71:2-4, 11, 12, 16, 17, 19-21, 23	Rule 401, 402, 403 Relevance
72:1, 2, 4, 5, 7, 9, 10, 12-20, 22, 23, 25	Rule 401, 402, 403 Relevance
73:3, 4, 6-9, 12-14	Rule 401, 402, 403 Relevance
74:13-16, 18-20, 23-25	Rule 401, 402, 403 Relevance
75:2, 4-8, 10-13, 15-17, 19, 20	Rule 401, 402, 403 Relevance
76:3, 7-10, 12, 13, 15-20	Rule 401, 402, 403 Relevance
77:1, 3-5, 7, 8, 11, 14, 17, 1, 20, 23, 24	Rule 401, 402, 403 Relevance
84:5-9	Rule 401, 402, 403 Relevance Rule 602
	Lack of personal knowledge Rule 701
	Opinion of lay witness
88:2-4, 6-8, 10, 11, 16-18	Rule 401, 402, 403 Relevance Rule 602
	Lack of personal knowledge

90:4-9, 11, 12

97:17, 18

98:3, 6, 7, 10, 11, 17, 18, 20, 21

Rule 401, 402, 403 Relevance

Rule 401, 402, 403 Relevance

Rule 401, 402, 403 Relevance

**PLAINTIFF'S COUNTER-DESIGNATIONS and OBJECTIONS FOR DEPOSITION OF  
DOUG SCHOOLEY – AUGUST 12, 2008**

**Counter-designations**

20:8-21:2  
22:8-19  
60:21-61:9  
63:12-64:14  
100:21-101:3  
105:16-24  
111:20-25  
120:1-17  
151:19-25  
163:21-165:10  
182:12-183:13

**Objections**

53:14-54:19 – Lacks foundation – FRE 602; Relevance – FRE 401-403  
55:6-15 – Lacks foundation – FRE 602; Relevance – FRE 401-403  
58:1-6 – Relevance – FRE 401-403  
96:19-99:24 – Relevance – FRE 401-403  
103:8-105:15 – Relevance – FRE 401-403  
107:21-108:3 – Relevance – FRE 401-403  
111:2-19 – Relevance – FRE 401-403  
112:23-113:11 – Relevance – FRE 401-403; Calls for speculation  
115:6-13 – Relevance – FRE 401-403  
115:21-117:23 – Relevance – FRE 401-403  
119:2-25 – Relevance – FRE 401-403  
122:17-25 – Relevance – FRE 401-403  
124:4-127:7 – Relevance – FRE 401-403  
128:24-129:2 – Relevance – FRE 401-403  
129:25-130:6 – Relevance – FRE 401-403  
130:15-131:13 – Relevance – FRE 401-403  
133:23-138:1 – Relevance – FRE 401-403  
139:10-140:5 – Relevance – FRE 401-403  
140:15-147:24 – Relevance – FRE 401-403  
150:2-11 – Relevance – FRE 401-403  
151:9-18 – Relevance – FRE 401-403  
152:13-154:18 – Relevance – FRE 401-403  
155:5-158:2 – Relevance – FRE 401-403  
158:12-159:20 – Relevance – FRE 401-403  
161:3-163:20 – Relevance – FRE 401-403

**DUANE SMITH COUNTER-DESIGNATIONS**

**Date of Deposition: April 13, 2009**

9:14-25  
10:1-19  
11:22-25  
12:1-16, 25  
13:1-11, 15-25  
14:1-9  
16:14-25  
17:1-5  
18:3-7, 10-12  
20:23-25  
21:1-15  
22:10-24  
23:4-19  
25:3-11  
26:22-25  
27:1-5, 7-11, 19-25  
36:1-12, 16-24  
37:1-4, 10-22  
46:10-13, 17-25  
47:1-16, 18-25  
48:1-5  
49:12-25  
50:1-19  
55:13-18  
56:9-12, 14-19, 21-25  
57:1-2  
59:8-25  
60:1-25  
61:2-10  
84:6-11  
89:18-25  
90:1-16, 25  
91:1-25  
92:1, 3-5  
93:8-10, 12-17  
98:19-25  
99:1  
103:1-2, 4-25  
104:1-6, 18-25  
105:1-24  
106:1-20  
107:8-21  
114:8-13, 16-25

115:1-4, 9-11

**DUANE SMITH – OBJECTIONS TO DESIGNATIONS**

72:1-8 Form – compound Rule 402 – Mr. Smith’s knowledge of AG’s litigation strategy is immaterial; bacteria contamination in other watersheds is also immaterial.

73:16-22 Form -- Vague (term “better”); Rule 602 -- No foundation for personal knowledge; Rule 402 -- Not relevant to compare scenic rivers (like IRW water bodies) to non-scenic

85:15-25 Rule 402 or 403 -- Other “potential” contributors are irrelevant without any evidence of quantification

86:1-25 Rule 402 or 403 -- Other “potential” contributors are irrelevant without any evidence of quantification

87:1-25 Rule 402 or 403 -- Other “potential” contributors are irrelevant without any evidence of quantification

88:1-25 Rule 402 or 403 -- Other “potential” contributors are irrelevant without any evidence of quantification; additionally, witness is speculating “I assume ...”

89:1-11 Rule 402 or 403 -- Other “potential” contributors are irrelevant without any evidence of quantification

95:25 Form: Vague (“make sense”); calls for speculation

96:1-9 Form: Vague (“make sense”); calls for speculation

96:13-19 Form: Vague (“scoured”); calls for speculation

96:20-25 Rule 402 or 403 – No quantification of alleged contribution of “resuspended” sediment

97:1-5 Rule 402 or 403 – No quantification of alleged contribution of “resuspended” sediment

97:6-18 Rule 602 (no personal knowledge)

98:3-7 Form: Vague (“position on litter application”)

98:8-18 Rule 402 or 403 – Because Board has no enforcement role with respect to litter application, its “position” is immaterial

100:20-23 Form: Vague (“law-abiding people”); Rule 402 and 403 -- wholly irrelevant; Rule 602 – No foundation for personal knowledge

100:24-25 Form: Calls for speculation (“any sense”); Rule 402 or 403; Rule 602 – no personal knowledge; confirmed by answer “I would hope ...”

101:1-4 Form: Calls for speculation (“any sense”); Rule 402 or 403; Rule 602 – no personal knowledge; confirmed by answer “I would hope ...”

101:5-9 Form: Calls for speculation (“any sense”); Rule 402 or 403; Rule 602 – no personal knowledge; confirmed by answer “I would hope ...”; Rule 802 – hearsay (as to alleged concerns of farmers)

101:10-19 Rule 402 or 403; Form: Vague (“do what’s right”)

102:1-15 Rule 402 or 403: Inquiry not relevant as Board has no enforcement role with respect to litter spreading

116:2-23 Form (cumulative; asked and answered); Rule 402 and 403; Rule 602

117:2-20 Form (cumulative; asked and answered); Rule 402 and 403; Rule 602

**MEAGAN SMITH COUNTER-DESIGNATIONS**

Date of Deposition 9/10/2008

9:7-24  
10:1-3  
35:2-25  
36:1-4  
39:17-18  
42:16-25  
43:1-9  
44:8-11  
45:14-25  
46:1-4  
50:7-25  
51:1-14  
57:16-25  
58:1-14  
64:16-25  
65:1-4  
76:9-11  
77:17-25  
78:19-25  
79:1-4  
131:14-25  
132:1-13  
221:23-25  
248:16-22

**MEAGAN SMITH - OBJECTIONS TO DESIGNATIONS**

36:20-37:16 Rule 602 lack of personal knowledge  
39:14-16 Assumes facts not in evidence, 701 Foundation and opinion of lay witness without technical or specialized knowledge, Rule 602 Lack of personal knowledge  
40:1-9 701 Foundation and opinion of lay witness without technical or specialized knowledge,  
55:2-12 Lack of foundation, Rule 602 Lack of personal knowledge  
67:21-68:2 Assumes facts not in evidence  
83:21-84:2 Assumes facts not in evidence, Rule 602 Lack of personal knowledge  
88:2-10 Mischaracterizes testimony  
90:5-11 Compound  
92:13-17 Mischaracterizes testimony, argumentative  
95:9-14 Assumes facts not in evidence  
130:12-18 Mischaracterizes testimony, argumentative, assumes facts not in evidence  
153:12-21 Assumes facts not in evidence, unintelligible  
154:2-25 Mischaracterizes testimony

169:12-24 Mischaracterizes testimony, Rule 802  
170:1-14 Mischaracterizes testimony, assumes facts not in evidence or in dispute,  
argumentative  
175:9-18 Rule 602 Lack of personal knowledge, calls for speculation  
180:13-181:3 Mischaracterizes testimony, Rule 602 Lack of personal knowledge, calls for  
speculation

**DEREK SMITHEE**  
**STATE'S COUNTER-DESIGNATIONS AND OBJECTIONS**

Date of Deposition – 08/29/08

**COUNTER-DESIGNATIONS**

18:4-13  
19:3-8  
23:4-10  
37:3-7  
49:16 - 51:5  
61:8 - 62:15  
64:5-13  
65:22 – 66:4  
66:14-22  
177:16-23

Note: Designations above subject to Court's ruling on Relevance and/or Lack of Personal Knowledge

93:15 – 94:13  
171:22-24 (Designated for completeness)

**Objections as to Form of Question**

19:3-8	Speculation
23:8-10	Speculation; Calls for a legal conclusion
24:7-10	Speculation; Calls for a legal conclusion
49:22-24	Speculation
105:6-7, 16-17	Speculation
171:22-23	Asked and answered
180:16-18	Speculation

**OBJECTIONS TO DEFENDANTS' DESIGNATIONS**

14:4-5; 13-25	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
15:1-16	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
16:4-15; 23-25	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
17:1-8; 14-25	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
18:1-3; 14-25	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
19:1-2; 9-13, 20-25	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
	F.R.E. 602 – Lack of Personal Knowledge
	F.R.E. 701 – Opinion of Lay Witness (not based on specialized knowledge)

20:15-16	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge; Lack of foundation
21:20 – 23:5	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
23:11 – 24:6	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
24:11-16, 24:21-25:2	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
29:5-20	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
30:4-8	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
32:18-24	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
33:2-20; 24	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
36:12 – 37:2	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
42:10-17, 22-25 and 43:1-3, 6-8	F.R.E. 401, 402, 403 – General relevance; confusion of the issues and F.R.E. 602 – Lack of Personal Knowledge
45:2-5, 16-25 and 46:1-4	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
53:5-12, 15-25 and 54:9-25	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
59:16 – 60:6	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
79:18-19	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
80:14-23 and 81:4 – 82:10	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
82:14-24	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
83:13 – 84:4	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
84:9 – 85:18	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
86:6-14, 22-25 and 87:1	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
88:24 – 89:9	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
93:2-14	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
103:14 – 104:5	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
104:14 – 105:22	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
106:5-9	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
114:6 – 115:6	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
115:15 – 116:2	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
151:19 – 152:2	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
152:12-14	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge

153:8-17	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
154:7-9	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
167:5-8, 12-22	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
170:15-19	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
172:3-13	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
172:18-24	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
172:25 – 174:20	F.R.E. 401, 402, 403 – General relevance; confusion of the issues
176:4-10, 17-18, and 22-24	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
177:5-16	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
178:11-16, 25	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
179:1-4, 8, 14-15 and 19-25	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge
180:1-8, 13-24	F.R.E. 401, 402, 403 – General relevance; confusion of the issues F.R.E. 602 – Lack of Personal Knowledge

**PLAINTIFF'S COUNTER-DESIGNATIONS and OBJECTIONS FOR DEPOSITION OF  
SCOTT THOMPSON – JANUARY 4, 2008**

**Counter-designations**

6:17-18  
20:5-11  
26:8-16  
27:10-25  
28:1-12  
45:16-46:5  
49:19-23  
50:4-5  
60:1-17  
66:22-67:1  
67:2-6  
88:8-22  
97:22-99:21  
99:25-101:12  
105:12-16  
110:6-9

**Objections**

19:15-21 – Calls for a legal conclusion; Calls for speculation  
19:22-20:4 – Calls for a legal conclusion; Calls for speculation  
31:25-32:3 – Calls for speculation  
47:12-18 – Lacks foundation, no personal knowledge – FRE 602  
50:6-13 – Lacks foundation – FRE 602  
66:2-12 – Calls for legal conclusion  
66:13-17 – Calls for legal conclusion; Lacks foundation – FRE 602  
68:13-18 – Calls for speculation  
71:20-72:6 – Counsel is testifying; Leading  
77:8-78:1 – Hypothetical; Calls for speculation; Relevance – FRE 401-403  
87:15-24 – Hypothetical; Calls for speculation; Relevance – FRE 401-403  
91:19-25 – Hypothetical; Calls for speculation; Relevance – FRE 401-403  
94:2-18 – Relevance – FRE 401-403  
102:12-18 – Relevance – FRE 401-403

**STEPHEN THOMPSON COUNTER-DESIGNATIONS**

Date of Deposition 4/7/2009

8:5-12  
48:25-49:22  
61:1-12  
91:12-92:1  
95:22-96:12  
97:1-6  
103:20-25  
119:4-15

**STEPHEN THOMPSON - OBJECTIONS TO DESIGNATIONS 1**

24:12-16	Rule 401 relevance, Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
29:15-25	Rule 401 relevance, Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge , calls for speculation, calls for legal conclusions.
30:1-5	calls for speculation, calls for legal conclusion, Rule 401 relevance, Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
38:20-24	Rule 401 relevance
39:1-16	Rule 401 relevance
39:17-22	Rule 401 relevance
40:11-14	calls for a legal conclusion
40:15-22	calls for legal conclusions
42:2-5	Rule 402 and 403 Relevance, calls for legal conclusions, Rule 602 lack of personal knowledge, Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
42:8-10	Rule 402 and 403 Relevance, calls for legal conclusions, Rule 602 lack of personal knowledge, Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
42:13-17	Rule 402 and 403 Relevance, calls for legal conclusions, Rule 602 lack of personal knowledge, Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
42: 20-24	Rule 402 and 403 Relevance, calls for legal conclusions, Rule 602 lack of personal knowledge, Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
43:20-44:1	calls for legal conclusion, Rule 401 relevance
50:10-14	Calls for speculation, Rule 401 relevance, Rule 602 lack of personal knowledge
53:23-54:1	Rule 402 and 403 Relevance, Calls for speculation, Rule 602 lack of personal knowledge, Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
59:23-60:1	calls for legal conclusion.
64:10-18	Rule 602 lack of personal knowledge, calls for speculation
65:4-24	Rule 602 lack of personal knowledge, calls for speculation

75:15	Rule 402 and 403 Relevance
75:23	Rule 402 and 403 Relevance
76:2-5	Rule 402 and 403 Relevance
76:15-77:16	Rule 402 and 403 Relevance
77:19	Rule 402 and 403 Relevance
77:25-78:2	Rule 402 and 403 Relevance
78:6-10	calls for speculation, Rule 602 lack of personal knowledge, Rule 401 relevance
78:13-79:21	Rule 402 and 403 Relevance
81:8-23	calls for speculation, Rule 401 relevance, Rule 602 lack of personal knowledge.
86:16-87:24	Rule 402 and 403 Relevance
93:6-13	argumentative, assumes facts not in evidence, Rule 602 lack of personal knowledge
96:13-25	Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge, Rule 602 lack of personal knowledge, calls for speculation
101:25-103:1	Rule 402 and 403 Relevance
125:9-11	Rule 502 attorney client communications

**MIKE THRALLS COUNTER-DESIGNATIONS**

**Date of Deposition 03/17/2009**

15:12-16:2  
16:18-25  
18:7-19:16  
54:16-55:12  
57:9-58:13  
64:10-65:6  
87:21-89:6  
124:24-125:16  
132:6-17  
133:5-20

**MIKE THRALLS – OBJECTIONS TO DESIGNATIONS**

7:19-20	Rule 402 and 403 Relevance
9:8-9	Rule 402 and 403 Relevance
9:11-12	Rule 402 and 403 Relevance
11:10-11	Rule 701 Calls for a Legal Conclusion
11:25-12:3	Rule 701 Calls for a Legal Conclusion
12:7-10	Rule 701 Calls for a Legal Conclusion
12:19-22	Rule 701 Calls for a Legal Conclusion, and Rule 602 Speculation
13:8-14	Rule 701 Calls for a Legal Conclusion
42:23-43:2	Rule 402 and 403 Relevance
44:15-17	Rule 701 Calls for a Legal Conclusion
58:23-59:1	Rule 602 Lack of Personal Knowledge, calls for speculation
74:5-7	Rule 602 Calls for Speculation
78:12-14	Rule 602 Calls for Speculation
79:24-80:3	Rule 402 and 403 Relevance, Rule 602 Calls for speculation, and Rule 701 Calls for a Legal Conclusion
80:11-16	Rule 402 and 403 Relevance, Rule 602 Calls for speculation, and Rule 701 Calls for a Legal Conclusion
87:7-10	Rule 602 Calls for speculation
97:9-11	Rule 701 Calls for a Legal Conclusion
97:14-15	Rule 701 Calls for a Legal Conclusion
103: 11-12	Rule 402 and 403 Relevance
103:14-17	Rule 402 and 403 Relevance
105: 15-17	Rule 701 Calls for a Legal Conclusion, Rule 602 Calls for speculation
106: 4-5	Rule 602 Calls for speculation
107: 10-12	Rule 701 Calls for a Legal Conclusion
107: 25-108:1	Rule 602 Calls for speculation
108:8-9	Rule 701 Calls for a Legal Conclusion
110:5-9	Rule 602 Calls for speculation and Lack of personal knowledge
121:12-14	Rule 701 Calls for a Legal Conclusion

158:21-24	Rule 701 Calls for a Legal Conclusion
167: 20-21	Rule 402 and 403 Relevance
167:23-25	Rule 402 and 403 Relevance
168: 3-6	Rule 402 and 403 Relevance

**GABRIEL TIMBY - COUNTER-DESIGNATIONS**

Date of Deposition 11-12-07

17:10-12

**ROGER TOURANGEAU, PhD – COUNTERDESIGNATIONS**

Date of Deposition 4/8/09

4:25-5:5	
7:18-24	
20:17-21:5	Counterdesignations subject to ruling on intercept study/telephone survey
22:5-23:18	Counterdesignations subject to ruling on intercept study/telephone survey
31:1-24	Counterdesignations subject to ruling on intercept study/telephone survey
32:16-33:13	Counterdesignations subject to ruling on intercept study/phone survey
42:18-23	Counterdesignations subject to ruling on intercept study/telephone survey
72:8-19	Counterdesignations subject to ruling on objections to lines 69:15-20, 69:21-23, and 69:24-70:2.
82:5-83:6	Counterdesignations on 82:5-83:6 subject to ruling on objections to lines 69:15-20, 69:21-23, and 69:24-70:2.
86:2-22	
90:17-91:17	
103:14-21	
104:15-105:5	
108:6-12	
108:24-109:4	
109:8-18	
110:14-20	
111:5-113:12	
113:23-114:22	
117:8-119:17	
122:13-21	
124:7-18	
128:13-129:19	
129:24-130:17	
131:8-19	
131:24-132:9	
133:9-21	
138:1-11	
140:17-21	
141:15-142:13	
143:21-144:2	
146:15-147:10	
148:7-11	
148:18-23	
149:3-12	
150:4-23	
152:3-16	
157:4-159:10	
159:19-160:15	
162:15-163:19	
169:9-171:13	
175:17-176:1	

177:11-15  
 186:17-20  
 189:19-190:3

Correction Page: Correction to 17:18, 22:19, 31:19, 31:21, 61:13, 65:24, 69:6, 74:1, 76:19,  
 80:23, 90:21, 91:12-13

**ROGER TOURANGEAU, PhD – OBJECTIONS TO DESIGNATIONS**

12:21-13:1	Rule 401 – Relevance; Rule 403 – Unfair prejudice, misleading to jury
13:2-8	Rule 401 – Relevance; Rule 403 – Confusion of the issues or misleading to jury
13:9-11	Rule 403 – Confusion of the issues or misleading to jury
13:12-15	Rule 403 – Confusion of the issues or misleading to jury
13:24-14:3	Rule 401 – Relevance; Rule 403 – Unfairly prejudicial, misleading to jury
16:20-17:4	Rule 401 – Relevance; Rule 403 – Unfairly prejudicial, misleading to jury
17:9-12	Rule 403 – Confusion of the issues or misleading to jury
17:13-18	Rule 403 – Confusion of the issues or misleading to jury
17:19-22	Rule 403 – Confusion of the issues or misleading to jury
17:23-18:8	Rule 403 – Confusion of the issues or misleading to jury
18:9-14	Rule 403 – Confusion of the issues or misleading to jury
18:15-17	Rule 403 – Confusion of the issues or misleading to jury
19:20-20:16	Rule 403 – Confusion of the issues or misleading to jury re: “after that survey was completed” on Line 20
21:6-11	Rule 403 – Confusion of the issues or misleading to jury
21:12-15	Rule 403 – Confusion of the issues or misleading to jury
21:23-25	Rule 403 – Confusion of the issues or misleading to jury
34:13-25	Rule 403 – Confusion of the issues or misleading to jury
35:1-3	Rule 403 – Confusion of the issues or misleading to jury
39:4-7	Rule 403 – Confusion of the issues or misleading to jury
39:8-10	Rule 403 – Confusion of the issues or misleading to jury
39:21-25	Objection to form – mischaracterizes previous testimony re: meaning of “prompt”
41:2-20	Objection to form - compound
42:2-6	Rule 403 – Confusion of the issues or misleading to jury
42:7-12	Rule 403 – Confusion of the issues or misleading to jury; objection to form – asked and answered
42:24-43:3	Rule 403 – Confusion of the issues or misleading to jury
43:4-6	Rule 403 – Confusion of the issues or misleading to jury
43:7-9	Rule 403 – Confusion of the issues or misleading to jury
54:20-55:7	Objection to form – vague re: “does that matter”
55:8-15	Objection to form – compound
55:21-56:7	Objection to form – vague, ambiguous
56:13-57:8	Objection to form – assumes facts in dispute or not in evidence
57:9-13	Objection to form – vague re: “all that matters”
57:14-18	Objection to form – vague
59:23-60:3	Objection to form – assumes facts not in evidence

65:19-25	Objection to form – vague re: “would that matter”
66:16-21	Objection to form – calls for speculation
66:22-67:7	Objection to form – calls for speculation
67:8-13	Objection to form – vague re: “do you think it was important”
67:14-16	Objection to form – vague
67:20-68:1	Objection to form – calls for speculation
69:15-20	Rule 802 – Hearsay; Rule 602 – Foundation
69:21-23	Rule 802 – Hearsay; Rule 602 – Foundation
69:24-70:2	Rule 802 – Hearsay; Rule 602 – Foundation
73:1-6	Rule 802 – Hearsay; Rule 602 – Foundation
73:7-9	Rule 802 – Hearsay; Rule 602 – Foundation
73:10-11	Rule 802 – Hearsay; Rule 602 – Foundation
73:17-20	Objection to form – vague
73:21-24	Objection to form – vague
73:25-74:2	Objection to form – vague
74:9-14	Objection to form – vague
75:9-19	Objection to form – vague re: “it matters”
76:13-19	Rule 802 – Hearsay; Rule 602 – Foundation
76:20-77:1	Objection to form – asked and answered (e.g., 75:24-76:5)
78:8-11	Objection to form – vague; asked and answered
80:20-23	Rule 802 – Hearsay; Rule 602 – Foundation
80:24-25	Rule 802 – Hearsay; Rule 602 – Foundation
81:1-3	Rule 802 – Hearsay; Rule 602 – Foundation
81:4-8	Rule 802 – Hearsay; Rule 602 – Foundation
81:9-16	Objection to form – vague, compound
81:17-22	Rule 802 – Hearsay
82:2-4	Rule 403 – Confusion of the issues or misleading to jury
83:7-11	Rule 802 – Hearsay; Rule 602 – Foundation
83:20-24	Rule 802 – Hearsay; Rule 602 – Foundation
84:4-10	Rule 802 – Hearsay; Rule 602 – Foundation
85:1-6	Rule 802 – Hearsay; Rule 602 – Foundation
85:7-13	Rule 403 – Confusion of the issues or misleading to jury
85:14-18	Rule 403 – Confusion of the issues or misleading to jury
85:19-21	Objection to form – assumes facts not in evidence
89:10-12	Rule 502 – A/C or W/P
119:22-120:9	Rule 602 – Foundation; calls for speculation
120:24-121:8	Objection to form – vague re: “did that matter”
123:24-124:6	Calls for speculation
126:16-22	Objection to form – vague
132:13-18	Rule 403 – Confusion of the issues or misleading to jury
132:19-20	Rule 403 – Confusion of the issues or misleading to jury
132:21-25	Rule 403 – Confusion of the issues or misleading to jury
133:1-2	Rule 403 – Confusion of the issues or misleading to jury
133:3-8	Rule 403 – Confusion of the issues or misleading to jury
137:16-25	Rule 106 – Designation incomplete
177:2-10	Objection to form – asked and answered

181:13-19	Rule 602 – Foundation
182:4-10	Objection to form – assumes facts not in evidence
183:9-21	Objection to form – asked and answered

**MICHAEL TRAYLOR - COUNTER-DESIGNATIONS**

Date of Deposition 11-27-07

52:1-2

52:4

**HARDY WATKINS COUNTER-DESIGNATIONS**

**Date of Deposition 01/22/08**

7:7-14, 20-25  
16:11-16  
17:4-15  
36:5, 6, 20-25  
38:7-14, 18-21  
39:8-12  
46:7-10  
49:13-23  
55:15-20, 23-25  
56:1, 2  
57:16-21  
69:22-25  
70:1-11  
72:17-24  
82:10-17  
98:9-25  
99:1-13

**HARDY WATKINS – OBJECTIONS TO DESIGNATIONS**

8:1-2	Rule 701, Opinion of lay witness
73:5-13	Rules 401, 402, 403 Relevance
86:25	Rules 401, 402, 403 Relevance; Rule 502 Attorney-client privilege and work product doctrine; Rule 602 Lack of personal knowledge; Rule 701 opinion of a lay witness
87:1-6, 8-10, 12-14	Rules 401, 402, 403 Relevance; Rule 502 Attorney-client privilege and work product doctrine; Rule 602 Lack of personal knowledge; Rule 701 opinion of a lay witness
92:4-6	Rules 401, 402, 403 Relevance

**PLAINTIFF'S COUNTER-DESIGNATIONS and OBJECTIONS FOR  
DEPOSITION OF RAY WEAR**

**Date of Deposition – 10/09/07**

Note: This witness was also designated by Plaintiff. Plaintiff has not made any counter-designations or objections to the designations of Defendant for this witness.

**EUGENE WELCH, VOLUME I COUNTER-DESIGNATIONS**

Date of Deposition 8/15/2008

53:22-25  
54:1-4  
56:16-25  
57:15-21  
59:21-22  
65:22-25  
66:1-7  
67:7  
69:23-25  
70:1-4  
73:10-25  
74:1-9  
76:16-20  
79:12-17  
79:20  
80:12-19  
92:22-25  
93:1  
131:3-22  
133:3-12  
134:22-25  
135:17-20  
140:3-6  
141:17-25  
142:1-3  
142:14-24  
148:20-25  
149:1-5  
150:21-25  
151:3-12  
151:16-18  
160:2-6  
160:14-22  
161:5-10  
163:5-19  
166:3-14  
167:24-25  
168:1-16  
176:3-14  
178:24-25  
179:1-4  
180:11-16  
184:7-12

192:5-17  
193:19-25  
194:1-4  
195:14-19  
202:8-11  
204:13-19  
207:19-25  
208:1-5

**EUGENE WELCH - OBJECTIONS TO DESIGNATIONS**

50:14-18 Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge, Rule 602 Lack of personal knowledge, Rule 401 relevance  
79:8 Calls for speculation, Rule 602 Lack of personal knowledge  
129:14-17 Calls for speculation, Rule 602 Lack of personal knowledge

**EUGENE WELCH, VOLUME II COUNTER-DESIGNATIONS**

Date of Deposition 8/15/2008

232:14-25  
233:1-25  
234:1-20  
243:16-25  
244:1-3  
244:9-25  
245:1  
246:13-18  
247:25  
248:1-8  
259:21-25  
260:1-12  
265:13-19  
269:6-9  
272:2-7  
280:22-25  
281:1, 5-8  
288:18  
291:4-23  
292:8-21  
295:1-2  
300:24-25  
301:1-7  
308:22-25  
309:1-15  
312:17-21  
349:20-25  
350:1-3  
372:11-18  
372:23-25  
373:1-2  
377:13  
378:8  
382:17-25  
383:1-4  
426:7-17  
427:3-6  
444:20-22  
450:18-23  
493:6-11  
501:5-23

**EUGENE WELCH - OBJECTIONS TO DESIGNATIONS**

242:16-23	Assumes facts not in evidence, Rule 403 misleading to jury
251:11-19	Compound question
251:20-252:3	Compound, mischaracterizes testimony
262:20-24	Rule 401 relevance, Rule 602 Lack of personal knowledge
264:23-265:7	Rule 401 relevance
282:6-17	Compound
288:12-23	Rule 701, Rule 602 Lack of personal knowledge
296:6-16	Rule 401 relevance, Rule 602 Lack of personal knowledge
309:21-310:9	Asked and answered
350:15-18	Asked and answered
351:8-13	Asked and answered
366:4-13	Compound
366:14-22	Compound
367:1-10	Compound

**STEPHEN WILLIAMS - COUNTER-DESIGNATIONS**

Date of Deposition 3/11/09

16:3-14  
23:16-23  
24:1-18  
25:13-19  
31:17-32:11  
34:8-22  
34:25-35:8  
38:1-13  
39:11-40:13  
43:7-21  
51:18-20  
64:12-24  
69:4-10  
69:18-21  
70:2-4  
71:11-13  
72:5-11  
78:1-3  
84:15-24  
92:15-19  
107:1-23  
111:8-11  
116:22-117:2  
123:11-14  
124:7-19  
125:5-9  
126:14-127:4  
127:6-13

**STEPHEN WILLIAMS - OBJECTIONS TO DESIGNATIONS**

13:10-12	Rule 401 Relevance
13:13-16	Rule 401 Relevance
13:17:20	Rule 401 Relevance
13:21-23	Rule 401 Relevance
13:24-25	Rule 401 Relevance
14:1-5	Rule 401 Relevance
14:6-9	Rule 401 Relevance
14:10-14	Rule 401 Relevance
16:15-18	Rule 401 Relevance; Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge

16:19-20	Rule 401 Relevance; Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
16:21-17:2	Rule 401 Relevance; Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
17:3-8	Rule 401 & 403 Relevance; Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
17:14-17	Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
17:18-22	Rule 401 & 403 Relevance; Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
17:23-18:1	Rule 401 & 403 Relevance; Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
18:2-19:3	Lines 2, 5, 9, 13, 19, 23; Rule 401 & 403 Relevance; Rule 701 Foundation and opinion of lay witness without technical or specialized knowledge
20:1-15	Line 1 & 7; Rule 401 & 403 Relevance; Rule 602 Foundation, lack of personal knowledge; Rule 802 Hearsay
21:19-25	Rule 602 Lack of knowledge foundation for “any time”
22:1-4	Rule 602 Foundation, lack of personal knowledge; Rule 701 lack of specialized knowledge re: “septic tanks typically have”
32:21-33:1	Rule 802 Hearsay
67:12-16	Rule 802 Hearsay
89:19-22	Rule 602 Foundation lack of knowledge; Rule 701 Opinion of lay witness not based on specialized knowledge
129:22-25	Rule 401 & 403 Relevance
132:2-5	Rule 403 Relevance, confusion of issues and misleading the jury; Rule 602 Lack of foundation and knowledge

**RANDY YOUNG COUNTER-DESIGNATIONS**

Date of Deposition 10/02/2008

122:4-9  
125:7-8  
125:20-21  
126:5-13  
128:12-15  
130:10-25  
254:11-25  
255:1-15  
255:17-25  
256:2-13  
256:16-25  
257:1-11  
257:13-25  
258:1-6  
258:21-25  
259:1  
259:3-8  
259:13-19  
259:21-22

**RANDY YOUNG – OBJECTIONS TO DESIGNATIONS**

219:12-14 Rule 611(a), leading  
222:25–223:2 Rule 611(a), leading; and incomplete or ambiguous  
223:23-25 Rule 611(c), leading  
224:23-225:3 Rule 611(c), leading; Rule 402-Relevance  
225:16-20 Rule 611(c), leading, ambiguous or unintelligible, compound (Is witness being asked if he agrees “with the use of poultry litter as fertilizer” or that it has become “more tightly regulated”?)  
225:25-226:3 Rule 611(c), leading, lacks foundation, Rule 602  
227:12-13 Ambiguous, vague, unintelligible  
233:9-13 Rule 402-Relevance, Rule 602, no foundation  
241:17-19 Rule 802, hearsay, Rule 602, witness lacks personal knowledge, Rule 403, misleading and unfairly prejudicial, and assumes facts not in evidence  
250:13-15 Rule 611(b)-outside the scope of direct examination; Rule 402-Relevance; Rule 602-no foundation, misleading, assumes facts not in evidence  
251:24-252:2 Rule 611(b)-outside the scope of direct examination; Rule 402-Relevance; Rule 602-no foundation, misleading, assumes facts not in evidence  
252:6-8 Rule 611(b)-outside the scope of direct examination; Rule 402-Relevance; Rule 602- no foundation, misleading, assumes facts not in evidence  
252:13-15 Rule 611(b)-outside the scope of direct examination; Rule 402-Relevance; Rule 602-no foundation, misleading, assumes facts not in evidence

252:20-22	Rule 611(b)-outside the scope of direct examination; Rule 402-Relevance; Rule 602-no foundation, misleading, assumes facts not in evidence
253:3-5	Rule 611(b)-outside the scope of direct examination; Rule 402-Relevance; Rule 602-no foundation, misleading, assumes facts not in evidence
253:10-14	Rule 611(b)-outside the scope of direct examination; Rule 402-Relevance; Rule 602-no foundation, misleading, assumes facts not in evidence
253:24-25	Rule 402-Relevance, vague and misleading
254:5-6	Rule 611(c), leading; Rule 402-Relevance; Rule 602-no foundation, misleading

**HAILIN ZHANG COUNTER-DESIGNATIONS**

**Date of Deposition 01/16/2008**

19:23-20:1  
21:8-19  
89:11-18  
98:8-19  
101:2-6  
108:15-21  
179:23-180:9  
189:15-192:19  
193:16-210:10  
210:13-212:14  
212:18-217:1  
217:14-220:7  
229:6-16

**HAILIN ZHANG – OBJECTIONS TO DESIGNATIONS**

42:14-17	Rule 402 and 403 Relevance
42:22-25	Rule 402 and 403 Relevance
81:9-15	Rule 402 and 403 Relevance
81:17-19	Rule 402 and 403 Relevance
81:23-24	Rule 402 and 403 Relevance
82:1-4	Rule 402 and 403 Relevance
82:6-9	Rule 402 and 403 Relevance
82:13-14	Rule 402 and 403 Relevance
82:16-19	Rule 402 and 403 Relevance
101:18-21	Rule 402 and 403 Relevance and Rule 701 Calls for a Legal Conclusion
102:16-18	Rule 402 and 403 Relevance
124:21-25	Rule 402 and 403 Relevance
125:18-20	Rule 402 and 403 Relevance
157:20-23	Rule 402 and 403 Relevance
177:11-13	Rule 402 and 403 Relevance
220:16-19	Rule 701 Calls for a Legal Conclusion
220:23-221:1	Rule 701 Calls for a Legal Conclusion
221:7-10	Rule 402 and 403 Relevance
222:20-24	Rule 611(c) Leading